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STATE OF MICHIGAN

GENERAL SCHOOL LAWS

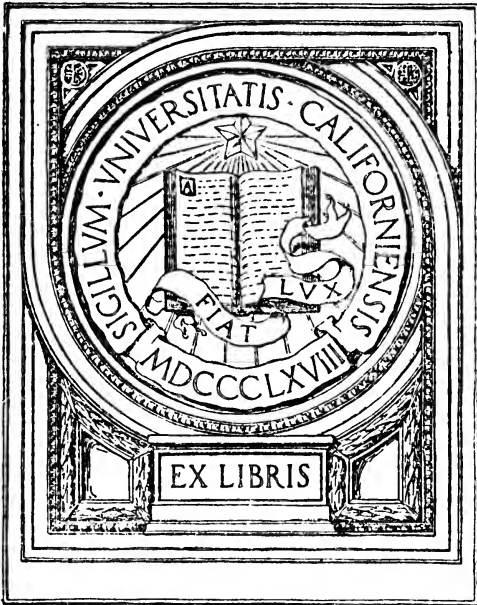
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SECRETARY OF STATE



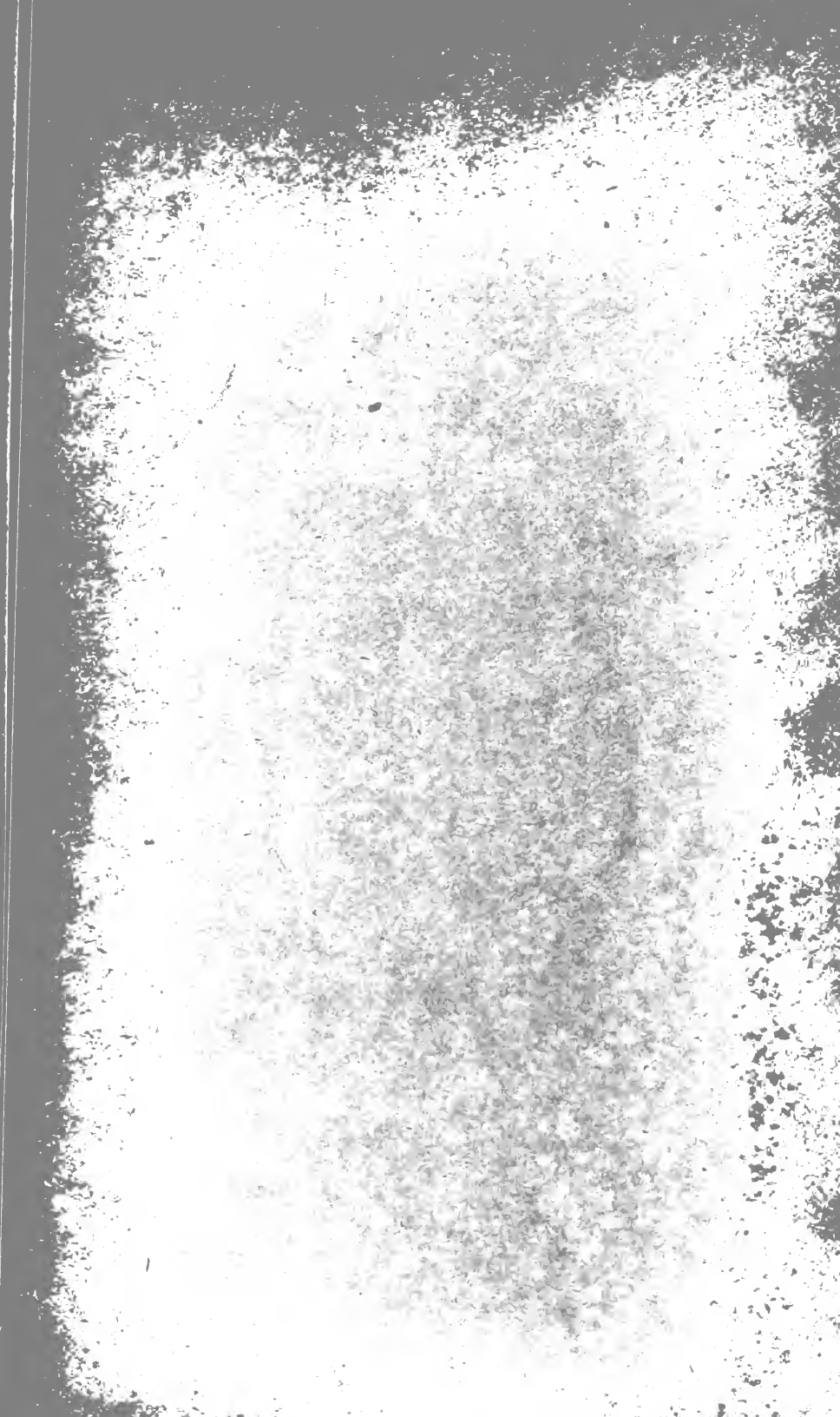
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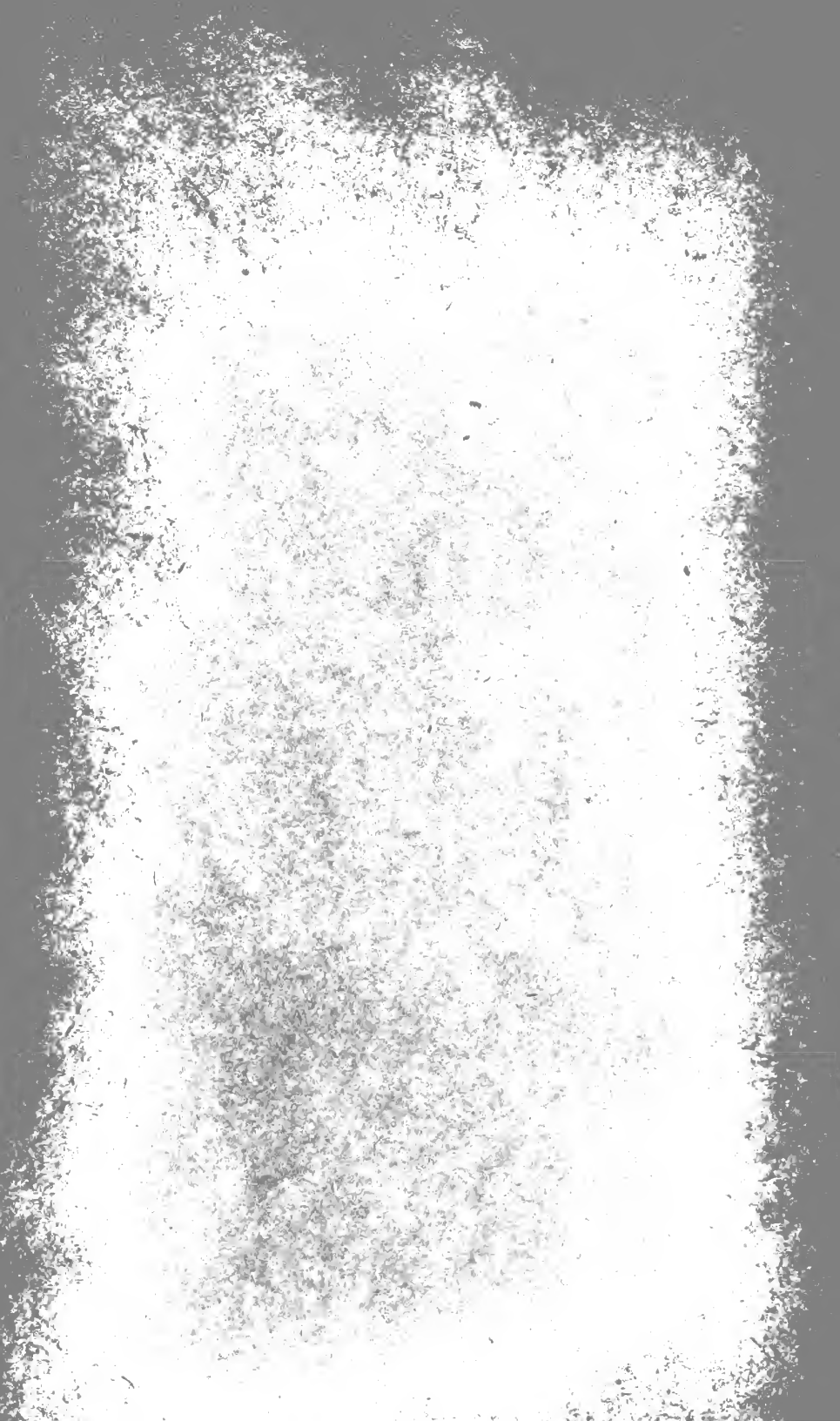
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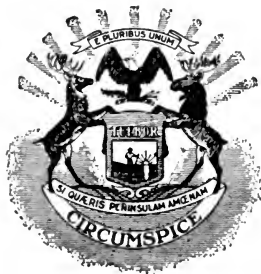


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MEMBERS OF THE STATE BOARD OF EDUCATION.

	Term expires
Thomas E. Johnson, Superintendent of Public Instruction, <i>Secretary</i> ..	June 30, 1923
Allen M. Freeland, Grand Rapids.....	June 30, 1923
Frank Cody, Detroit.....	June 30, 1925
Frederick Albert Jeffers, Painesdale.....	June 30, 1927

MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY.

Thomas E. Johnson, Superintendent of Public Instruction, <i>ex-officio</i> .	
Junius Emery Beal, Ann Arbor.....	December 31, 1923
Frank Bruce Leland, Detroit.....	December 31, 1923
James Orin Murfin, Detroit.....	December 31, 1925
William Lawrence Clements, Bay City.....	December 31, 1925
Benjamin Sawtelle Hanchett, Grand Rapids.....	December 31, 1927
Lucius Lee Hubbard, Houghton.....	December 31, 1927
Victor M. Gore, Benton Harbor.....	December 31, 1929
Walter Hulme Sawyer, Hillsdale.....	December 31, 1929

MEMBERS OF THE STATE BOARD OF AGRICULTURE.

Thomas E. Johnson, Superintendent of Public Instruction, <i>ex-officio</i> .	
Clark L. Brody, Three Rivers.....	December 31, 1923
Jason Woodman, Paw Paw.....	December 31, 1923
Dora Hall Stockman, Lansing.....	December 31, 1925
L. Whitney Watkins, Manchester.....	December 31, 1925
John A. Doelle, Marquette.....	December 31, 1927
Melville B. McPherson, Lowell.....	December 31, 1927

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NOTE.—The section numbers in parentheses (), are compiler's sections, and are consecutive throughout this compilation. Section numbers of the compiled laws of 1915 precede each section, and are indicated by the section mark (§). Notes following the sections indicate the amendments, supreme court decisions, etc. Annotated with supreme court decisions to and including the 210th Mich. report. The character / is used in citing cases, to avoid the repetition of Michigan.

GENERAL SCHOOL LAWS OF MICHIGAN

CONSTITUTIONAL PROVISIONS.

ARTICLE X.

FINANCE AND TAXATION.

(1) SECTION 1. All subjects of taxation now contributing to the primary school interest fund under present laws shall continue to contribute to that fund, and all taxes from such subjects shall be first applied in paying the interest upon the primary school, university and other educational funds in the order herein named, after which the surplus of such moneys shall be added to and become a part of the primary school interest fund. Primary school interest fund.

The statute is not unconstitutional because it provides that the funds secured by the specific tax shall be devoted to upbuilding the state highways in that it infringes the provisions of section 1, Art. X, of the constitution, limiting the sources of contributions to the primary school fund to that purpose alone.—*Jasnowski v. Board of Assessors*, 191/288.

(2) SEC. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources. Tax for state expense.

Under the sections of the constitution providing for uniformity of taxation and conferring power on the legislature to levy a state tax, etc., on cash valuation of property (Art. 10, § 2, 3, 7), the state may authorize the review of valuations and assessments by the board of state tax commissioners.—*Attorney General v. Board of Supervisors of Midland county*, 178/513.

ARTICLE XI.

EDUCATION.

(3) SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. Encouragement of education.

It was the intent of the constitution to separate the school organization from the general municipal government. Though municipal corporations, organized for the same purposes, with like powers and duties, cannot exist in the same territory, those having different purposes, rights and duties, may, and often do, occupy the same territory.—*Attorney General v. Thompson*, 168/511. The language of this section is from the ordinance of 1787. The reassertion of this doctrine after the lapse of more than a century and a quarter, coupled with the fact that legislation in this state upon the subject of education has from the beginning been of the most liberal character, indicates a settled purpose on the part of the state to provide, foster and protect educational facilities for all.—*Dennis v. Wrigley*, 175/621, 625.

Superintendent of public instruction.

Term of office.

Duties.

(4) SEC. 2. A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter. He shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

Regents of university.

Election.

Vacancy.

Name.

President of university.

Supervision of university.

(5) SEC. 3. There shall be a board of regents of the university, consisting of eight members, who shall hold the office for eight years. There shall be elected at each regular biennial spring election two members of such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

(6) SEC. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as "The Regents of the University of Michigan."

(7) SEC. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

Under this provision the board of regents has independent control of the affairs of the university.—*Regents v. Auditor General*, 167/444. Neither the legislature, nor any officer or board of this state, may interfere with the control and management of the affairs and property of the university, although in making appropriations for its support the legislature may attach any conditions it may deem expedient and wise, and the appropriation cannot be received without complying with the conditions.—*Agler v. Mich. Agricultural College*, 181/559.

State board of education.

Powers and duties.

State board of agriculture.

(8) SEC. 6. The state board of education shall consist of four members. On the first Monday in April, nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of such board who shall hold his office for six years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

(9) SEC. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At

very regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

(10) SEC. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

The state board of agriculture has exclusive control of the general funds of the Michigan agricultural college.—*Bauer v. State Board of Agriculture*, 164/415.

The constitutional powers of the state board of agriculture with respect to the college and its funds are the same as those of the board of regents of the university with respect to the university and its funds.—*State Board of Agriculture v. Auditor General*, 180/349, 359; *Agler v. Mich. Agricultural College*, 181/559, 561. See note to section 7.

(11) SEC. 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least five months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund. If any school district shall, on the second Monday in July of any year, have on hand a sufficient amount of money in the primary school interest fund to pay its teachers for the next ensuing two years as determined from the pay roll of said district for the last school year, and in case of a primary district, all tuition for the next ensuing two years, based upon the then enrollment in the seventh and eighth grades in said school district, the children in said district shall not be counted in making the next apportionment of primary school money by the superintendent of public instruction; nor shall such children be counted in making such apportionment until the amount of money in the primary school interest fund in said district shall be insufficient to pay teachers' wages or tuition as herein set forth for the next ensuing two years.

As proposed by concurrent resolution No. 1, Public Acts of 1911, pages 537-8; ratified April 3, 1911.

(12) SEC. 10. The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such state normal schools and other educational institutions as may be established by law.

Disposition of certain educational money.

(13) SEC. 11. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the state for educational purposes and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

Escheats.

(14) SEC. 12. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of the primary schools.

Saltspring lands, sale of, for benefit of agricultural college.

(15) SEC. 13. The legislature shall appropriate all salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any funds or lands which may hereafter be granted or appropriated for such purpose, for the support and maintenance of the agricultural college.

Township and city libraries.

Disposition of fines.

(16) SEC. 14. The legislature shall provide by law for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

Charitable institutions.

(17) SEC. 15. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, feeble-minded or insane shall always be fostered and supported.

STATUTORY PROVISIONS.

ELECTIONS.

[Extract from Chap. II of Act 203, P. A. 1917.]

Officers elected.

(18) SEC. 8. At each biennial spring election there shall be elected the following officers:

Justices.

(1) Two justices of the supreme court, each for the full term of eight years, beginning on the first day of January next following his election;

Regents.

(2) Two regents of the university, each for the term of eight years, beginning on the first day of January next following his election;

Superintendent of public instruction.

(3) A superintendent of public instruction for the term of two years, beginning on the first day of July next following his election;

State board of education.

(4) A member of the state board of education for the term of six years, beginning on the first day of July next following his election;

(5) Two members of the state board of agriculture, each for the term of six years, beginning on the first day of January next following his election. State board of agriculture.

Act 270 of 1913, (§ 462, C. L. 1915), abolishing the office of commissioner of the state land office, transfers to the superintendent of public instruction the duties of that officer "on the board of state auditors and all other boards, committees or commissions of which the commissioner of the state land office is by virtue of his office a member."

THE PRIMARY SCHOOL SYSTEM.

An Act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act.

[Act 164, P. A. 1881.]

The People of the State of Michigan enact:

CHAPTER I.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(19) § 5641. SECTION 1. The superintendent of public instruction shall have general supervision of general instruction in all public schools and in all state institutions that are educational in their character, as follows: The university, the agricultural college, the institution for the deaf and dumb, (a) the school for the blind, (a) the state industrial school for boys, the state industrial home for girls, the state public school for dependent and neglected children, and the home for the feeble-minded, and any similar institution that may hereafter be created; Provided, That all instruction from the first to the eighth grade inclusive in those subjects required for an eighth grade diploma, in all the schools of this state, public, private, parochial, or in connection with any state institution named above, shall be conducted in the English language; but this provision shall not be construed as applying to the high school course of any school district of this state maintaining a legal high school as defined in act number sixty-five of the public acts of nineteen hundred nine, as amended, nor to the high school course of any institution or corporation which maintains the same grades in its high school as are maintained in the legal high schools of this state; nor shall this provision be construed as prohibiting religious instruction in private or parochial schools given in any language in addition to the regular course of study. He shall reside at the seat of the state government and shall devote his entire time to the duties of his office. He shall be a graduate of a university, college or state normal school of

Superintendent of public instruction to supervise instruction in certain institutions.

Proviso, instruction in English language.

Residence of superintendent.

(a) Declared to be public schools by Act 148, P. A. 1917.

- good standing, and shall have had at least five years' experience as a teacher or superintendent of schools. His duties shall be as follows:
- Duties.
- Visit state institutions.
- (a) To visit the state institutions mentioned above and meet with the governing boards thereof from time to time;
- (b) To direct the supervision of county normal training classes and provide general rules for their management and control;
- (c) To require all boards of education to observe the laws relating to schools, and he shall have authority to compel such observance by appropriate legal proceedings instituted in courts of competent jurisdiction by direction of the attorney general;
- Audit of accounts, etc.
- (d) To examine and audit the official records and accounts of any school district, and require corrections thereof when necessary, and to require an accounting from the treasurer of any school district when necessary;
- Statutory term of school.
- (e) To require all school districts to maintain school or provide educational facilities for all children resident in such district for at least the statutory period;
- Annual report.
- (f) To prepare annually, and transmit to the governor, to be by him transmitted to the legislature at each biennial session thereof, a report containing a statement of the general educational conditions of the state; a general statement regarding the operation of the several state educational institutions and all incorporated institutions of learning; to present plans for the improvement of the general educational system if in his judgment it is deemed necessary; the report shall also contain the annual reports and accompanying documents of all state educational institutions so far as the same may be of public interest, and tabulated statements of the annual reports of the several school officers of the townships and cities of the state, and any other matter relating to his office which he may deem expedient to communicate to the legislature;
- Teachers' institute.
- (g) To appoint a time and place and proper instructors for a state teachers' institute and for institutes in the several counties of the state, and make such rules and regulations for their management as he may deem necessary;
- May request removal of certain officers.
- (h) He may request the governor to remove from office any county commissioner of schools or member of the board of school examiners when he shall be satisfied from sufficient evidence submitted to him that said officer does not possess the qualifications required by law entitling him to hold the office, or when he is incompetent to execute properly the duties of the office, or has been guilty of official misconduct, or of wilful neglect of duty, or of drunkenness. In case said superintendent shall determine the charges submitted to him are well founded he shall file with the governor a statement in writing showing the specific and definite charge or charges

made against the officer complained of, and also a statement that he believes the charges to be true, and that in his opinion the case demands investigation, which statement shall take the place of the statement of the prosecuting attorney of the county in which said officer is acting; whereupon the governor shall proceed to investigate the case as the statute provides;

(i) The superintendent of public instruction shall have power and is hereby required to remove from office, upon satisfactory proof and after at least ten days' notice to the party implicated, any member of any school board except city school districts who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently and without sufficient cause refuse or neglect to discharge any of the duties of his office, and in case of such removal it shall be the duty of the said state superintendent to have recorded in the office of the township clerk of such township the resolution or order for such removal, and such record of such resolution or order so entered or a certified copy thereof shall be prima facie evidence in all courts and places of jurisdiction of the regularity of such proceedings for removal, and said state superintendent shall file a similar copy of the proceedings in the records of his office: Provided, That if the party so removed shall within thirty days after such removal institute proceedings before a court of competent jurisdiction for the setting aside of such order for removal from office, or if after said thirty days such proceedings to obtain such removal shall be discontinued or dismissed, the said order for removal from office shall stand and not be subject to attack by any legal proceedings thereafter: Provided further, That when an officer is removed for cause he shall not again be elected or appointed to said office for a period of at least five years thereafter;

Power to
remove from
office.

(j) To do all things necessary to promote the welfare of the public schools and public educational institutions and provide proper educational facilities for the youth of the state.

To promote
welfare.

From and after the first day of July, nineteen hundred nine, the salary of the superintendent of public instruction shall be four thousand dollars per annum, which shall be paid monthly out of the general fund in the state treasury upon the warrant of the auditor general in the same manner as the salaries of other state officers are paid.

Am. 1919, Act 402.

See Act 28, P. A. 1921, (sec. 656), as to salary of superintendent of public instruction.

As to superintendent of public instruction, see Const., section 4, of this compilation.

See act 302, P. A. 1921, (secs. 279-85), giving the superintendent of public instruction supervision over private, denominational and parochial schools.

(20) § 5642. SEC. 2. In order to organize the work of the department of public instruction and assist the superintendent.

Deputy super-
intendent.

tendent in the performance of his duties in supervising public education, he may appoint a deputy superintendent of public instruction whose educational qualifications shall be the same as those required of the superintendent of public instruction, who shall take the constitutional oath of office which shall be filed with the secretary of state. Said deputy shall assist the superintendent in the performance of his duties and he may execute the duties of the office of superintendent in case of a vacancy or in the absence of the superintendent. The salary of the deputy superintendent shall be two thousand five hundred dollars per annum. The salary of the deputy superintendent shall be paid from the general fund, upon a warrant of the auditor general, in the same manner that the salaries of other state officers are paid: Provided, That the superintendent of public instruction may also appoint two assistant superintendents, who shall perform such duties as the superintendent of public instruction shall prescribe. The salaries of the assistant superintendents shall be twenty-one hundred dollars per annum, and such salaries shall be paid from the general fund, upon a warrant of the auditor general, in the same manner that the salaries of other state officers are paid. The superintendent of public instruction may revoke any of said appointments in his discretion. There is hereby appropriated out of the general fund in the state treasury a sufficient amount to carry out the provisions of this act. The auditor general shall add to and incorporate in the state tax for the year nineteen hundred seventeen and every year thereafter a sufficient amount to reimburse the general fund for the amounts appropriated by this act.

Am. 1917, Act 22.

Rules and regulations, who to make.

(21) § 5643. SEC. 3. The superintendent of public instruction may prepare and have printed general rules and regulations for the management of township and district libraries, and shall prepare and have printed a course of study for the district schools of the state, which shall be pursued in all district schools in the state, except city school districts, and he shall transmit all these documents to the several school officers entrusted with the care and management of the public schools. With the co-operation of the state librarian, he shall prepare, at least once in every two years, lists of books suitable for township and district libraries, and furnish copies of such lists to each township and school officer entrusted with the care and custody of their respective libraries, except city school libraries, and high school libraries, from which lists the said school officers shall select and purchase books for their respective libraries.

Books, lists of.

Apportionment of primary school fund, etc.

(22) § 5644. SEC. 4. He shall in the year nineteen hundred twelve, and annually thereafter on receiving notice from the auditor general of the amounts thereof and between the

fifth and fifteenth days of July apportion the primary school interest fund among the several townships and cities of the state in proportion to the number of children in each between the ages of five and twenty years as the same shall appear by the reports of the several township clerks made to him for the school year closing in July of the preceding year, and shall prepare a statement of the amount in the aggregate payable to each county, and shall deliver the same to the auditor general, who shall thereupon draw his warrant upon the state treasurer in favor of the treasurer of each county for the amount payable to each county. He shall also send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships and cities therein respectively. The primary school interest fund payable under the law now existing shall be apportioned and paid between the first and tenth days of November, nineteen hundred eleven: Provided, That, if any deficiency shall be caused in the teachers' wages fund in any school district by the changing of the date of the apportionment of the primary school interest fund by the superintendent of public instruction, the school board or board of education of said district shall have authority first to borrow on the warrant of the district a sum sufficient to meet such deficiency or, second, to borrow and issue bonds of the school district for the sum of such deficiency for a period not to exceed five years.

Warrant for, how drawn.

Notice to county clerks.

Proviso.

Where the superintendent of public instruction directed the payment of the apportionment of funds to one of the four districts of the township, the direction for payment of the funds followed the same into the hands of the township treasurer, and no other or further apportionment was necessary or could be made by the township clerk, who was powerless to alter or modify the action of the superintendent of public instruction.—*Moiles v. Watson*, 60/415. The assessor of the district, to whom the money was paid, being assessor *de facto*, the question of whether or not he was also assessor *de jure* could not be raised in this case.—*Id.* It has from the beginning been the policy of this state to maintain its primary schools for the education of children within school age, and to that end it has always caused to be set aside certain revenues, which, by statute are apportioned to the several counties according to the number of children residing in each county within the age limit, "as the same shall appear by the reports of the several school boards or school inspectors made" for that purpose.—*Muskegon Public Schools v. Wright*, 176/6, 12.

(23) § 5645. SEC. 5. Whenever the returns from any county, township, city, or district, upon which a statement of the amount to be disbursed or paid to any such county, township, city, or district shall be so far defective as to render it impracticable to ascertain the share of primary school interest fund which ought to be disbursed or paid to such county, township, city, or district, he shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Proceedings in case of defective returns.

(24) § 5646. SEC. 6. Whenever any county, township, city, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school

When deficiency may be apportioned the next year.

interest fund, the superintendent of public instruction, upon satisfactory proof that said county, township, city, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of said superintendent that any district has had three months' school, but failed to have the full time of school required by law, through no fault or negligence of the district or its officers, he may include such district in his apportionment of the primary school interest fund in his discretion.

Other duties
of superin-
tendent.

(25) § 5647. SEC. 7. The superintendent of public instruction shall perform such other duties as are or shall be required of him by law, and at the expiration of his term of office deliver to his successor all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

CHAPTER II.

FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

(26) § 5648. SECTION 1. The township board of each township shall have authority to divide the township into such number of school districts as may from time to time be necessary, which districts it shall number, and it may regulate and alter the boundaries of the same as circumstances shall render proper; and each district shall be composed of contiguous territory and be in as compact a form as may be. Districts heretofore organized shall remain and have the same boundaries as at the time of the passage of this act, subject to change hereafter in the discretion of the township board.

Township
board,
authority of,
in division
of school
districts.

Districts
heretofore
organized.

See secs. 33-36.

PRIMARY SCHOOL SYSTEM: The whole primary school system was confided by the constitution to the legislature and it cannot be said that the officers of school districts chosen pursuant to the system adopted by the legislature, are constitutional officers.—*Belles v. Burr*, 76/11. The constitution of 1850 left to the legislature, as did the preceding constitution, the establishment of a system of primary schools, restricting the legislature only by providing that a school shall be kept, without charge for tuition, at least three months in each year, and that all instruction shall be conducted in the English language. All other matters seem to be within the discretion of the legislature.—*Perrizo v. Kesler*, 93/283; *People v. Howlett*, 94/168; *Pingree v. Board of Education*, 99/408. The constitution of 1909 provides that a district maintain school five months in each year in order to participate in the primary interest fund. Our primary school system is the pride of the state.—*People v. Howlett*, 94/169.

FORMATION OF DISTRICTS: See *Doxey v. Sch. Inspectors*, 67/603; *Brody v. Penn Twp. Board*, 32/273; *Sch. Dist. v. Sch. Dist.*, 81/343; *Simpkins v. Ward*, 45/561. See *Briggs v. Borden*, 71/89-90; *People v. Davidson*, 2 Doug. 121; *Brewer v. Palmer*, 13/107. When two districts are annexed without any other change in their boundaries, the mere fact that one number is preferred to another does not change the real character of the annexation.—*Brewer v. Palmer*, 13/109. When one district is annexed to another, its corporate existence ceases and it cannot be sued for debts; the new district must be held responsible for them.—*Id.* But when a district

s parceled out among several other districts, the latter cannot be held jointly liable for the debts of the former; whatever they are bound to pay is a several and not a joint obligation.—Halbert v. Sch. Dists., 36/421. Change of a district formed by special act of the legislature.—Sch. Dist. v. Dean, 17/223. The organization of a new township severs its territory from the school district within which it was formerly embraced.—People v. Ryan, 19/203. See section 34.

QUESTIONING REGULARITY: The regularity of the proceedings for the formation of a district and the existence of it cannot be questioned collaterally, but only in direct proceedings.—Clement v. Everest, 29/19. See Sch. Dist. v. Inspectors, 27/3; Stuart v. Sch. Dist., 30/69; Lord v. Every, 38/405; Bird v. Perkins, 33/30; Stockle v. Silsbee, 41/621; Keweenaw Ass'n v. Sch. Dist., 98/437. The legality of the organization and existence of the district cannot be tested by certiorari.—Jaquith v. Hale, 31/430. Certiorari to review the proceedings in organizing a district will not lie after the district is actually organized and has assumed the functions of a corporation; its corporate existence must then be tested by quo warranto.—Sch. Dist. v. Inspectors, 27/3; People v. Gartland, 75/143. But there should be some special and extraordinary reason to justify interference by quo warranto with the organization of a school district, as the statutes provide a speedier remedy by an appeal from the district board to the township board.—Lord v. Every, 38/405. And the supreme court will not meddle with the concerns of school districts, on mandamus, except on things of substance.—Sch. Dist. v. Riverside Twp., 67/406. The facts in regard to the notices and proof of posting are sufficiently established if set out in the return of the board, though not appearing in the clerk's minutes of the proceedings. The act of detaching territory from two school districts and forming a new district by one and the same motion, after parties interested have had ample opportunity to be heard on both questions, is valid.—Smelzer v. Inspectors Big Prairie Twp., 125/666.

(27) § 5649. SEC. 2. Whenever the township board of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly, and said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting, to be by him delivered to the director chosen at such meeting, and by said director recorded at length as a part of the records of such district.

Notice to inhabitant on formation of district.

Notice to qualified voters.

Return, what to show.

NOTICE: The board may, under one notice, at one meeting, by separate action, detach lands from separate school districts and attach them to one district.—Doxey v School Inspectors, 67/601. Irregularity in notice.—Parman v. Inspectors, 49/63. See Roeser v. Gartland, 75/144.

RECORDS: Importance of.—Sch. Dist. v. Snell, 24/352.

(28) § 5650. SEC. 3. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

Proceedings in case of failure to organize district.

Fractional districts, how formed.

(29) § 5651. SEC. 4. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the township boards, or a majority of them, of each of such adjoining townships, may form such district, to be designated as a fractional district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary in the same manner that other districts are altered. The annual reports of the director of such district shall be made to the clerk of the township in which the schoolhouse may be situated, and the township board of such township shall number said district.

Saginaw Twp. v. Sch. Dist., 9/544; Brewer v. Palmer, 13/109.

Annual reports, where made.

When districts deemed duly organized.

(30) § 5652. SEC. 5. Every such school district shall be deemed duly organized when any two of the officers elected at the first meeting shall have filed their acceptances in writing with the director, and the same shall have been recorded in the minutes of such first meeting. Every school district shall in all cases be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of two years; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law. Any school district shall lose its organization as follows:

When presumed legally organized.

Organization, how lost.

(a) Whenever there are not three or more persons in such district qualified under the law to hold district offices;

Failure to maintain school.

(b) Whenever such district shall fail to maintain school for the time required by law for a period of two successive years either within its own boundaries or by providing for the education of the children in other districts. Upon the happening of either condition, the township board, or joint board, if such district be fractional, shall declare by resolution such district dissolved and shall immediately attach the territory thereof, in whole or in part, to other districts already organized and make an equitable distribution of the money, property and other material belonging to such district among the districts to which the territory thereof shall be attached, in accordance with the provisions hereinafter stated.

Resolution declaring dissolution.

PRESUMPTION OF LEGAL ORGANIZATION: When a district has exercised the franchises and privileges of a school district for over two years, it is too late to question the legality of its organization.—Sch. Dist. v. Sch. Dist., 63/56; Sch. Dist. v. Sch. Dist., 81/343; Bd. of Ed. of Traverse City v. Straub, 182/665. The same rule which recognizes the right of officers de facto recognizes corporations de facto.—Clement v. Everest, 29/23. In public affairs, when the people have organized themselves under color of law into the ordinary municipal bodies, and have gone on year after year raising taxes, making improvements and exercising their usual franchises, their rights are properly regarded as depending quite as much on the acquiescence as on the regularity of their origin, and no ex post facto inquiry can be permitted to undo their corporate existence.—People v. Maynard, 15/470. As to questioning the regularity of organizations, etc., see note to section 26.

(31) § 5653. SEC. 6. The record of the first meeting made by the director shall be prima facie evidence of the facts herein set forth and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the township board as evidence.

Directors' record of first meeting prima facie evidence.

CORPORATE POWERS OF DISTRICTS.

(32) § 5654. SEC. 7. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the state or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "school district number. . . . (such number as shall be designated in the formation thereof by the township board), of (the name of the township or townships in which the district is situated)," and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of law, and of selling the same.

School district, a body corporate.

Name and style.

Power of.

CORPORATE POWERS: The school district, under our statutes, is a corporation, and, as such corporation, is represented by three officers: a moderator, director and assessor. The affairs of the district are managed and controlled by them, under certain restrictions.—Sch. Dist. v. Sch. Dist., 63/57. A school district can take and hold bequests of money for the maintenance of a public library for the use and benefit of the residents of the district.—Maynard v. Woodward, 36/423. School districts, like townships and counties, are subdivisions of the state. This section gives them the capacity to sue and be sued.—Van Wert v. Sch. Dist., 100/333. School districts are municipal corporations.—Seeley v. Board of Ed., 39/486; Sch. Dist. v. Gage, 39/484; Belles v. Burr, 76/1. And cannot be garnished even by their own consent, unless the debtor also consents.—Id. They preceded the constitution (Stuart v. Sch. Dist., 30/69), and were recognized by that instrument.—Belles v. Burr, 76/11. It is familiar doctrine that school districts are state agencies with limited powers, confined, generally, to those expressly enumerated and those necessarily implied.—Attorney General v. Detroit Bd. of Education, 175/440.

ASSUMPSIT: This section gives school districts capacity to sue and be sued. If the claim against the district is unliquidated, assumpsit will lie and if liquidated the remedy would be by mandamus to compel the necessary action to cause it to be paid.—Waterman, etc., Co. v. Sch. Dist., 183/175.

ALTERATION OF DISTRICTS.

(33) § 5655. SEC. 8. Whenever the township board shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, clerks of the several townships interested) shall give at least ten days' notice of the time and place of the meeting of said board and the alteration proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration. Whenever the township boards of more than one township meet, they shall elect one of their number chairman, and another clerk thereof.

Alteration of district boundaries by township board.

Posting notice.

Joint boards.

NOTICE: The notice required is jurisdictional and indispensable.—*Coulter v. Inspectors*, 59/391; *Sch. Dist. v. Inspectors*, 63/611; *Gentle v. Inspectors*, 73/40; *Graves v. Inspectors*, 102/635; *Passage v. Inspectors*, 19/330; *Andress v. Inspectors*, 19/332. Proof of the posting of such notice should be filed with the clerk of the board, before any action is taken.—*Coulter v. Inspectors*, 59/391; *Sch. Dist. v. Inspectors*, 63/611; *Graves v. Inspectors*, 102/635. Where notice is not given the filing of the consent of a majority of the resident taxpayers of the districts affected will not validate the action.—*Gentle v. Inspectors*, 73/40. Notices must be posted in each township affected by the alteration.—*Sch. Dist. v. Metcalf*, 93/499. The object of the notice is to enable parties interested to be heard before any action is taken.—*Gentle v. Inspectors*, 73/45; *Sch. Dist. v. Metcalf*, 93/499. As to the provision in the former law, see *Sch. Dist. v. Sch. Dist.*, 63/51. Notice of posting notices in three public places is jurisdictional. Affidavit must show that the notices were so posted. Certiorari will lie to test validity of proceedings where petitioner moves promptly.—*Huyser v. Board of School Inspectors*, 131/568.

FRACTIONAL DISTRICTS: The action of the joint boards is required in case of fractional districts.—*Sch. Dist. v. Sch. Dist.*, 81/343.

May detach,
etc., property.

Proviso,
referendum.

(34) § 5656. SEC. 9. A township board may in its discretion detach the property of any person or persons from one district and attach it to another: Provided, however, That no land which has been taxed for building a schoolhouse shall be set off into another district for the period of three years thereafter except by the consent of a two-thirds majority of the resident owners of said land; and no district shall be divided into two or more districts without the consent of the majority of the resident taxpayers of said district, and no two or more districts shall be consolidated without the consent of a majority of the resident taxpayers of each district.

Am. 1919, Act 351.

People v. Davidson, 2 Doug. 121; *Brewer v. Palmer*, 13/104. See *Sch. Dist. v. Dean*, 17/223; *Gentle v. Sch. Inspectors*, 73/45.

DISSOLVING DISTRICT: The school inspectors (township board) have power to alter boundaries of districts, and attach or detach persons, to or from any district; but no power is anywhere granted to them to disband, dissolve or destroy a district, save as restricted under this section.—*Briggs v. Borden*, 71/90. As intimated in *Doxey v. Inspectors*, 67/604, the board have no authority to divide up a district and destroy it without the consent of a majority of the resident taxpayers; nor can they destroy it by cutting it up into pieces and attaching all the territory to other districts without such consent.—*Id.* The terms "dissolve" and "disband" are of similar import and a vote taken to "disband" is supported by notice of a meeting to vote upon a proposition to "dissolve."—*Id.*

CONSENT OF OWNER: Lands taxed within three years for building a schoolhouse, not to be set off into another district without the consent of the owner.—*Coulter v. Inspectors*, 59/391.

CONSOLIDATION: The right of inspectors to consolidate districts depends upon the consent of majority of resident taxpayers. Where a school district de facto formed by consolidation of other districts has been in existence two years or more the court will not set aside action of board.—*Howell v. Shannon*, 130/556.

POWER OF LEGISLATURE: The legislature may change the boundaries of district.—*Att'y Gen. ex. rel. Kies v. Lowery*, 131/639.

Unorganized
territory.

(35) § 5657. SEC. 10. The township board shall attach to a school district contiguous territory in the township and not in any organized district.

Notice to
director of
district
affected by
alteration.

(36) § 5658. SEC. 11. In all cases where an alteration of the boundaries of a school district shall be made, the township clerk shall, within ten days, deliver to the director of each district affected by the alteration a notice in writing, setting forth the action of the township board and defining the alterations that have been made.

DIVISION OF PROPERTY.

(37) § 5659. SEC. 12. When a new district is formed in whole or in part from one or more districts possessed of a schoolhouse or entitled to other property, the township board at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the schoolhouse and other property belonging to the former district, at the time of such division; and whenever by the division of any district, the schoolhouse or site thereof shall no longer be conveniently located for school purposes and shall not be desired for use by the new district in which it may be situated, the township board of the township in which such schoolhouse and site shall be located may advertise and sell the same, and apportion the proceeds of such sale and also any moneys belonging to the district thus divided among the several districts erected in whole or in part from the divided district.

Division of districts possessed of school-houses, etc.

When may sell and apportion proceeds.

Saginaw Twp. v. Sch. Dist., 9/541; People v. Ryan, 19/203; Ramsey v. Everett Twp. Clerk, 52/344; Sch. Dist. v. Riverside Twp., 67/404.

NEW DISTRICT: See Pine Sch. Dist. v. Wilcox, 48/404, and section 117 as to appeals. Bill to prevent the consummation of a void apportionment.—Sch. Dist. v. Sch. Dist., 63/58. Bill to restrain the sale of the schoolhouse.—Briggs v. Borden, 71/87. Upon the formation of a new district by the union of two or more, the new district succeeds to the credits and property and is liable for the debts of the old ones.—Brewer v. Palmer, 13/104; Halbert v. Districts, 36/421.

(38) § 5660. SEC. 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the township board; and such amount of any debt due from the former district, which would have been a charge upon the new had it remained in the former district, shall be deducted from such proportion: Provided, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such schoolhouse, shall be entitled to any portion thereof nor be taken into account in such division of district property.

Proportion, how ascertained.

Debt deducted.

Proviso.

DEBTS OF OLD DISTRICTS: Where the territory of a school district is absorbed by other districts, the statute contemplates that the township board shall make an equitable adjustment of property and debts, so as to proportion them fairly among the districts which have succeeded to the jurisdiction of that which has been divided.—Halbert v. Sch. Districts, 36/421. Where a school district has been subdivided and other districts set off, the debts of the original district cannot be parceled out among all by a proceeding in the courts, so as to give creditors a remedy against any but the original debtors.—Turnbull v. Alpena Sch. Dist., 45/496; Maltz v. Board of Education, 41/547. A debt once existing must remain a debt against the corporation that created it, and its obligation is not destroyed by a change in corporation limits. If contribution is required, it must be obtained by the corporation and not by its creditors, unless otherwise provided by law.—Turnbull v. Alpena Sch. Dist., 45/499.

DISTRICT MEETINGS.

Annual school meetings, when held.

School year, when to begin.

Proviso.

(39) § 5661. SEC. 14. The annual meeting of all school districts, except where otherwise provided by special enactment, shall be held on the second Monday of July in each year. The school year shall commence on that day, and the trustees and officers of the district shall date their terms of office from said day, and until their successors are elected and qualified: Provided, That any school district organized and operating under a special act may vote at an annual or special meeting to hold its annual meeting on the second Monday in July.

Am. 1921, Act 5.

Special meetings.

When may not be called.

Business of, to be stated in notice.

(40) § 5662. SEC. 15. Special meetings may be called by the district board; and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; but no special meeting shall be called unless the business to be transacted may lawfully come before such meeting, and no business shall be transacted at a special meeting unless the same be stated in the notice of said meeting.

NOTICE: Liberal rules of interpretation must be applied to these notices, and if they be such as, under a fair construction, to give notice to the electors of the purpose for which the meetings are called, they must be held sufficient.—*Peters v. Warren Twp.*, 98/55.

SPECIAL MEETING: In order to constitute a legal school meeting, the evidence must show that a legal petition was presented and a legal notice of the meeting given.—*Cent. Sch. Supply House v. Sch. Dist.*, 99/402; *Johnston v. Mitchell*, 120/589. Use by a school board, in calling a special meeting, of a blank form of notice prepared by a lawyer at the request of one who was not a member of the board, is insufficient to show a ratification on its part of a promise by such third person that the board would pay a specified sum for the legal services rendered.—*Leonardson v. School District No. 3 of Troy Township*, 125/209.

Notices of meetings.

Proviso, duty of district officer to give.

When annual meeting not illegal for want of.

(41) § 5663. SEC. 16. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district, one copy of which for each meeting shall be posted at the outer door of the district schoolhouse, if there be one; and in case of any special meeting called for the purpose of establishing or changing the site of a schoolhouse, such notice shall be given at least ten days previous thereto: Provided, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid. No annual meeting shall be deemed illegal for want of due notice, unless

it shall appear that the omission to give such notice was willful and fraudulent.

Schafer v. Sch. Dist. No. 1 of Baraga, 116/206; Johnston v. Mitchell, 120/589.

42) § 5664. SEC. 17. In all school elections including school elections held in districts organized and governed in whole or in part by a local act or acts, and including cities of the fourth class, any provisions in such local act or acts to the contrary notwithstanding, every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, or who is the parent or legal guardian of any child of school age included in the school census of said district, and who has resided in said district three months next preceding said election, shall be a qualified voter. On the question of voting school taxes, every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, and who has resided in the district as above stated, shall be a qualified voter: Provided, That the purchaser of land upon a land contract, who actually pays the taxes upon such land and resides thereon, may vote upon all questions; and where a husband and wife own property jointly and same is assessed for school taxes in the school district, each may, if otherwise qualified, vote upon all questions including the question of raising money: Provided, however, That this act shall not be applicable in any city having a population of one hundred twenty-five thousand inhabitants or over which comprises a single school district, but in such cities all electors who shall possess the qualifications specified in section one, article three; of the constitution of this state shall be qualified voters in all school elections in such cities and shall be registered in the same manner provided by law for the registration of electors in any such cities.

Who qualified voter.

On voting school taxes.

Proviso, land contracts.

Proviso, cities of 125,000 or over.

Am. 1917, Act 7: 1921, Act 301.

(43) § 5665. SEC. 18. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you pay a school district tax therein;" and every person taking this oath shall be permitted to vote upon all questions pro-

Challenging voters.

Oath tendered to challenged voter.

posed at such meetings. Or he may take the following oath, to wit: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon property now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of the district;" and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall wilfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering the vote, and treated in the same manner.

False oath deemed perjury.

Belles v. Burr, 76/6; *Menton v. Cook*, 147/542.

Disorderly persons at district meetings.

(44) § 5666. SEC. 19. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned; and any person who shall refuse to withdraw from such meeting on being so ordered as herein provided, and also any person who shall wilfully disturb such meeting by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

Penalty for disturbing meeting.

Who shall have jurisdiction in trial.

Power of voters at annual meeting.

(45) § 5667. SEC. 20. The qualified voters of any school district when lawfully assembled at the first and at each annual meeting or at an adjournment thereof, or at any special meeting lawfully called, except as hereinafter provided, shall have power:

Chairman.

First, At the first meeting and at any meeting after the organization of the district, in the absence of the moderator, to appoint a chairman for the time being and, in the absence of the director, to appoint some person to act in his stead, who shall keep a minute of the proceedings of such meeting and certify same to the director, to be by him entered in the records of the district;

Adjournment.

Second, To adjourn from time to time as occasion may require;

Third, To elect district officers as herein provided, and to determine at what hour the annual meeting shall be held; Elect officers.

Fourth, To designate as hereinafter provided a site or such number of sites as may be desired for school houses, and to change same when necessary; Sites.

Fifth, To direct the purchasing or leasing of a site or sites lawfully determined upon; the building, hiring or purchasing of a schoolhouse or houses, or the enlarging of a site or sites previously established; Purchase, etc.

Sixth, To vote such tax as the meeting shall deem sufficient to purchase or lease a site or sites, or to build, hire or purchase a school house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building or altering a school house or houses in the same year that any bonded indebtedness is incurred shall not exceed two hundred fifty dollars in districts containing less than ten children between the ages of five and twenty years; in districts having between ten and thirty children of like age it shall not exceed five hundred dollars; and in districts having between thirty and fifty children of like age it shall not exceed one thousand dollars; the foregoing tax when levied and collected, together with all funds derived from bonding for the same purposes, when received by the treasurer, shall be accounted for under the title of "building fund": Provided, That the money belonging to the building fund shall be used for no other purpose than that for which it was raised without a consenting vote of two-thirds of the tax-paying voters of the district present and voting at said election; Tax limit.
Building fund.
Proviso.

Seventh, To determine the amount of money to be raised by tax for all school purposes, except as otherwise provided by law; the tax herein provided for, together with the one-mill tax, when collected and received by the treasurer shall be accounted for under the title of "General fund"; Other purposes.

Eighth, To authorize and direct the sale of any school house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district; Sale of school house, etc.

Ninth, To give such directions and make such provisions as they shall deem necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party or interested; Suits.

Tenth, To appoint as in their discretion it may be necessary a building committee to perform such duties in supervising the work of building a school house as they may by vote direct; Building committee.

Eleventh, At the first and annual meeting only to determine the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in all districts, except in school districts having an assessed valuation of less than seventy-five thousand dol- School terms.

lars, the minimum number of months shall not be less than eight, and in school districts having an assessed valuation of less than thirty thousand dollars and having less than thirty children of school age, the minimum number of months shall not be less than seven, on the pain of forfeiture of their share of the primary school interest fund; but in case the people do not determine the length of the school year, then the district board shall determine the same, and in case the board or the district fix the length of the school year, and later in the year it is found desirable to increase the length of said school year, such action may be taken at a properly called special school meeting, or the board may take such action on petition of a majority of the resident qualified voters: Provided, That each school district may at an annual or special meeting vote to discontinue school in the district for the ensuing or current year and determine that the children resident therein shall be sent to another school or schools: Provided, That during the fiscal years ending June thirty, nineteen hundred twenty-two, and June thirty, nineteen hundred twenty-three, the sum of two hundred dollars shall be paid out of the state treasury to any primary school district maintaining a one-room school for nine months in any school year if the school tax of the district on each one thousand dollars assessed valuation for seven months' school is twelve dollars or more for maintenance, exclusive of the two hundred dollars state appropriation. The cost of school sites, school buildings, and the alteration of school buildings shall not be included in determining the cost of maintenance. The auditor general, upon receipt of a certified statement from the superintendent of public instruction, of the school district entitled to receive said sum, shall draw a warrant upon the state treasurer in favor of the treasurer of each of said school districts entitled to the amount herein designated. There is hereby appropriated out of the moneys in the treasury of the state of Michigan the sum of twenty-five thousand dollars for the fiscal years ending June thirty, nineteen hundred twenty-two, and the sum of twenty-five thousand dollars annually thereafter, or so much thereof as may be necessary for carrying out the purposes of this act. The auditor general shall incorporate in the state tax for the year nineteen hundred twenty-one, and each year thereafter, the sum of twenty-five thousand dollars, or such part thereof as shall be necessary when collected to reimburse the general fund for the amount hereby appropriated and for the carrying out the purposes of this act, or it may vote to send only the children of the seventh and eighth grades to another school or schools if there are thirty-five or more children who attend school in the district, and when such action has been taken the school board shall have authority to use any funds, except library funds, in the hands of the treasurer

Proviso.

Proviso,
maintenance,
appropriation.

When auditor
general to
draw warrant.

Appropriation,
annual.

to provide and equip a vehicle, to pay the tuition and transportation of all such children, and if necessary vote a tax for such purposes. The vehicle used for the transportation of the children when the school is closed shall be of ample capacity, shall be enclosed to keep out rain or snow and shall be provided with robes and footwarmers during cold weather. Vehicles.
Capacity,
etc.

Am. 1921, Act 313.

Molles v. Watson, 60/415; *Detroit Board of Education v. Moross*, 151/625.

FOURTH: See section 102 as to the designation of school sites.

FIFTH: A school district, contracting for the building of a schoolhouse within a stated time, is bound to furnish a suitable site therefor, within such reasonable time that the contractors shall not be delayed on their part.—*Todd v. Sch. Dist.*, 40/294. Sureties upon a bond for the performance of a contract are released by an assignment of the contract and the grant of an extension of time to the contractor.—*Id.* See Act 17 of 1915, sections 615-617.

SIXTH: A school district in its annual meeting may lawfully recognize and pay equitable claims even though they are not strictly legal demands against it.—*Stockdale v. School Dist.*, 47/226. The provision that no land shall be taxed for the building of schoolhouses, unless some portion thereof shall be within $2\frac{1}{2}$ miles of the schoolhouse site, does not apply to a graded school district.—*Keweenaw Ass'n v. Sch. Dist.*, 98/437. See *Public Schools v. Vander Laan*, 211/85.

SEVENTH: Equitable claims.—See notes to subdivision sixth. Certain charts, etc., held not to be necessary appendages, such as the director is required to furnish.—*Gibson v. Sch. Dist.*, 36/404; *Publishing House v. School Dist.*, 94/265. A school district has no power to levy a tax except for the purposes specified by statute.—*Hinman v. Sch. Dist.*, 4/168. See section 66, subdivision 6.

ELEVENTH: *Tappan v. Sch. Dist.*, 44/500. The district board has power to contract with a qualified teacher for such term during the ensuing year as shall be determined by the qualified voters of the district at the annual school meeting.—*Cleveland v. Amy*, 88/374; *Moiles v. Watson*, 60/417. In exercising the discretion vested in the voters of a school district to discontinue school for a year, the school board are bound to furnish transportation and may determine the amount to be paid. The performance of such duty may be enforced by mandamus.—*Dennis v. Wrigley*, 175/621. Where voters of a district have voted to discontinue school and send the children to an adjoining district, at an annual or special meeting cannot rescind the action at a subsequent meeting and reopen the school for the ensuing period.—*Meek v. Carpenter*, 178/547.

MISCELLANEOUS: *Gibson v. Sch. Dist.*, 36/404. Where a board of education erects a school building in such manner that ice and snow must inevitably slide from the roof into plaintiff's premises, there being no sufficient barrier to prevent, and falls, after notice, to remedy the defect, it may be held liable to him for injuries sustained in falling upon ice so precipitated, the trespass being the proximate cause of the injury.—*Ferris v. Board of Education of Detroit*, 122/315. The neglect or refusal of the electors of a township to vote the amounts necessary to be raised for township and school purposes is sufficiently shown, within the statutes authorizing the township board and the board of education, respectively, to vote the same in such case, by a recital in the resolutions of the several boards voting such taxes, that the attention of the electors present at the annual meeting was called to the matter of voting upon such questions, and that they failed, neglected, and refused to vote such sums as were necessary.—*Weston Lumber Co. v. Township of Munising*, 123/138. Where the legislature divides a district and provides for a distribution of property, the new district is not entitled to share in primary school interest fund at the following apportionment, though based upon reports of previous year. A district which does not maintain school for at least three months (see above sec.) is not entitled to share in apportionment of primary school interest fund.—*Decker-ville School District v. District No. 3 of Marion*, 131/272. A school district which had provided by resolution for the seating of a schoolhouse is estopped to question the validity of a contract signed by the director only, where other officers paid the freight bills and the seats had been in use fifteen months.—*Jones v. Sch. Dist. No. 3 of Iosco*, 110/363. District board bought furniture. At following annual meeting voters made no objection. Held a ratification of the contract though act of board was not authorized.—*Haney Sch. Fur. Co. v. Sch. District No. 1 of Crystal Lake Twp.*, 133/241. School district cannot appropriate surplus one mill tax to general purpose before end of year.—*Bonhagei v. Sch. Bd. of Dist. No. 1, Bronson and Bethel Twps.*, 134/455.

CHAPTER III.

DISTRICT BOARD AND OFFICERS.

Election of
district
officers.
Term of
office.

(46) § 5668. SECTION 1. At the first meeting in each school district there shall be elected by ballot a moderator for the term of three years, a director for two years, and a treasurer for one year; and on the expiration of their respective terms of office, and regularly thereafter at the annual meetings, their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting in any school district and the first annual meeting thereafter shall be reckoned as one year.

NOTE.—Act 165, P. A. 1901, (§ § 5668-5758, C. L. 1915), changes the word assessor to treasurer. See section 51.

OFFICERS: The officers of a primary school district consist of a moderator, director and assessor. These officers are created by statute and have attached to them certain limited powers and particular duties. They have, therefore, neither common law power, nor rights, but are strictly confined to such as are conferred upon them by statute; and as no compensation for their official services has been provided [as the law stood prior to 1859] or in any manner authorized by statute, none can be legally claimed or recovered.—*Hinman v. Sch. Dist.*, 4/168. The provisions relative to the election of school district officers by ballot are mandatory; but where they were unanimously chosen by viva voce vote at a regular meeting, and qualified and acted and no one else claimed the offices, a writ of quo warranto was dismissed.—*People v. Gartland*, 75/143. Parol evidence is admissible to show who are the district officers.—*Crane v. Sch. Dist.*, 61/290.

BALLOT: All ballots cast under statutory requirements are formal and final, if there is an election, and cannot be repeated. There can be no "informal" ballot.—*People v. Stone*, 78/635; *Sch. Dist. v. Root*, 61/373.

When school
district office
deemed
vacant.

(47) § 5669. SEC. 2. A school district office shall become vacant immediately upon any of the following events:

First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond according to law;

Eighth, His ceasing to be a taxpayer in the school district;

Ninth, Upon the expiration of twenty days after failure of the district to elect a successor at the annual meeting, at the expiration of which period the board of school inspectors shall appoint such successor.

Vacancies,
how filled.

(48) § 5670. SEC. 3. In case any one of the district offices becomes vacant, the two remaining officers shall immediately fill such vacancy; or in case two of the offices become vacant, the remaining officer shall immediately call a special meeting of the district to fill such vacancies; in case

any vacancy is not filled as herein provided within twenty days after it shall have occurred, or in case all the offices in a district shall become vacant, the township board of the township to which the annual reports of such district are made shall fill such vacancies. Any person elected or appointed to fill a vacancy in a district office shall hold such office until the next succeeding annual meeting, at which time the voters of the district shall fill such office for the unexpired portion of the term.

Term of office.

Johnston v. Mitchell, 120/589.

49) § 5671. SEC. 4. Any qualified voter in a school district whose name appears on the assessment roll and who is the owner in his own right of the property so assessed, shall be eligible to election or appointment to office in such school district: Provided, That where a husband and wife own property jointly, regardless of the name which appears on the assessment role, if otherwise qualified, each shall be eligible to election or appointment to school office. It shall be illegal for any member of the district board to act as agent for any author, publisher or seller of school books or school apparatus, or to receive any gift or reward for his influence in recommending the purchase or use of any school book or apparatus in the state of Michigan. It shall be illegal for any member of the district board to perform any labor, except as provided in this act, or furnish any material or supplies for the school district in which he is an officer, and he shall not be personally interested in any way whatever directly or indirectly in any contract with the district in which he holds office. Any act herein prohibited, if performed by any such school officer, shall be deemed a misdemeanor, and he shall be liable to the punishment provided for such offense in accordance with the statute in such case made and provided.

Officers, who eligible.

Proviso, husband and wife.

Publisher's agent.

Labor or material.

Penalty.

(50) § 5672. SEC. 5. Within ten days after their election or appointment, the several officers of each school district shall file with the director written acceptances of the office to which they have been respectively elected or appointed, accompanied by an affidavit, properly acknowledged, that they are qualified voters, that their name appears on the assessment roll, and that they are the owners in their own right of the property so assessed, and such acceptances and affidavits shall be entered in the records of the district by said director. The affidavit herein required may be executed before any officer authorized under the laws of the state to take acknowledgments or before the senior officer of the district board in that particular district.

Acceptance of office.

Affidavit, by whom executed.

(51) § 5673. SEC. 6. The moderator, director, and treasurer shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the

District board, when meetings of, may be called.

Quorum
of board.

other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

A teacher cannot be hired by two members of the board without the concurrence of the third and without convening any meeting of the board.—*Hazen v. Lerche*, 47/626. A school teacher can be employed only by the action of a district board at a meeting of the board. Parol evidence is not admissible to show that the record of the meeting made by the directors is not true.—*Cowley v. Sch. Dist. No. 3, Harrisville*, 130/634.

Board to
purchase
record
books, etc.

(52) § 5674. SEC. 7. The said district board shall purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the district meetings and of the meetings of the board, the accounts of the treasurer, and for doing the business of the district in an orderly manner.

Officers having charge of school records are required to furnish proper facilities for the examination or copying of the same. See Act No. 76, P. A. 1903, (§ 3448, C. L. 1915).

See *School Dist. v. Snell*, 24/353.

Board to
purchase, etc.,
site, and
build, etc.,
schoolhouse.

(53) § 5675. SEC. 8. The district board shall purchase or lease, in the corporate name of the district, such sites for school houses as shall have been lawfully designated, and shall build, hire, or purchase such school houses as may be necessary out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters; but no district in any case shall build a stone or brick schoolhouse upon any site without having first obtained a title in fee to the same, or a lease for ninety-nine years; nor shall any district build a frame school house on any site for which they have not a title in fee or a lease for fifty years, without securing the privilege of removing the said school house when lawfully directed so to do by the qualified voters of the district at any annual or special meeting, when lawfully convened.

Necessity of
title or lease
to site before
building
schoolhouse.

TITLE IN FEE: A lease to a school district "during the time it is used for school purposes" is a lease in perpetuity at the will of the lessee. Since the lessee is a corporation and words of inheritance are not required, the lease, if a present consideration is paid, operates as a bargain and sale and conveys a base or determinable fee. This is sufficient to satisfy the provisions of the school law.—*Sch. Dist. v. Everett*, 52/314.

LEASES: Schoolhouse on leased land belongs to district and may be removed within reasonable period.—*Hayward v. Sch. Dist.*, 139/539. Without due notice of proposed action at an annual meeting, the school board could not change a site and place a schoolhouse on property which had not been leased or conveyed to the board.—*Calkins v. Rice*, 170/234.

Running
expenses.

(54) § 5676. SEC. 9. The district board shall have authority to vote such taxes as may be necessary for the regular running expenses of the school, which shall include school furnishings and all appurtenances, the care of school property, for such alterations as shall be necessary to place the school house in a safe and sanitary condition, teachers' wages,

water supply, premium upon indemnity bond for the treasurer of the district, transportation of the pupils, record books and blanks, and all apparatus and material which may be necessary in order that the schools may be properly managed and maintained, and for the deficiencies in such funds for the preceding year, if any. All such taxes when collected and received shall be accounted for under the title of "general fund"; all primary money shall be accounted for under the title of "primary fund": Provided, That the tax for services of district officers in primary school districts shall be voted by the district board but it shall not be so voted until the legal voters at an annual or special meeting called for that purpose have determined the amount that each officer shall receive as salary per year. A salary once fixed by the legal voters of a school district shall remain the same until changed by the legal voters at an annual or special meeting. When the taxes herein provided for have been estimated and voted by the district board, they shall be reported for assessment and collection the same as other district taxes. When any tax has been estimated and voted by the district board or by the district under the provisions of law, and the money is needed before it can be collected, the district board may borrow on the strength of such a tax a sum not exceeding the total of such tax.

Proviso,
service
taxes.

Assessment,
etc.

May borrow.

Am. 1921, Act 315.

(55) § 5677. SEC. 10. The district board, or board of education, shall, between the second Monday in July and the first Monday in August in each year, make out and deliver to the township clerk of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

School board,
when to
report taxes
voted.

(56) § 5678. SEC. 11. The district board shall apply and pay over all school moneys belonging to the district in accordance with the provisions of the law regulating same, and no moneys received from the primary school fund shall be appropriated to any other use than the payment of teachers' wages, tuition and transportation of children as provided by law, and no part thereof shall be paid to any teacher who shall not have received a certificate of qualification from proper legal authority before the commencement of his school. No school district shall apply any of the moneys received by it from the primary school interest fund or from any and all other sources for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society or made sectarian by the school district board.

School money,
accounting of.

Sectarian
schools.

Proof of qualification.—Sch. Dist. v. Cook, 47/112.

Board to
make annual
reports.

(57) § 5679. SEC. 12. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be entered by the director in the records of the district.

Contents of.

Board
to hire
teachers.
Contracts.
School
register to
be kept.

(58) § 5680. SEC. 13. The district board shall hire and contract with such duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the board in behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, grading and the age of each, attending the school, and the number of days each pupil is present, the aggregate attendance, average daily attendance and percentage of attendance, and to furnish the director with a correct copy of the same at the close of school. Said contract shall be filed with the director and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach shall be valid, and all such contracts shall terminate if the certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.

Record of
attendance.

Contract to
be filed.
Teacher must
have legal
certificate.

School month
defined.

HIRE AND CONTRACT: The district in its corporate capacity is a necessary party to the contract.—*Wall v. Eastman*, 1/270. A teacher can be lawfully employed only by convening the board.—*Hazen v. Lerche*, 47/626. Contracts may be made before beginning of the school year.—*Sch. Dist. v. Cook*, 47/112; *Tappan v. Sch. Dist.*, 44/500; *Cleveland v. Amy*, 88/376; *Farrell v. Sch. Dist.*, 98/45. The power to employ teachers conferred upon district boards of primary schools by this section is co-extensive with that conferred upon the boards of trustees of graded schools by section 122.—*Id.* 376. Where a contract was signed by the director and the teacher, the moderator wrote "approved" upon it and subscribed it as moderator, such approval and signature was treated as, in legal effect, a signing of the contract.—*Everett v. Sch. Dist.*, 30/249. When the contract is signed by a majority of the board only.—*Crane v. Sch. District*, 61/299. Simultaneous signing is not necessary.—*Holloway v. Sch. Dist.*, 62/155; *Everett v. Sch. Dist.*, 30/249. It is the business of school districts to keep up public schools, and it is the duty of the officers to provide teachers and to make contracts with them. It is their duty to know under what conditions a teacher, whom they know to be teaching, claims to act.—*Holloway v. Sch. Dist.*, 62/155. A teacher has a right to suppose his contract to be a valid one when it is signed by a sufficient number of officers and he is, with the personal knowledge of the whole board, permitted and encouraged to go on.—*Id.* 156. A contract valid on its face, actually carried out in full with the acquiescence of all concerned, cannot be subsequently repudiated.—*Id.* The provision that the contract shall require the teacher to keep a list of the pupils, etc., is merely directory. Its omission will not invalidate the contract.—*Everett v. Sch. Dist.*, 30/249. A district school board cannot discharge a teacher for incompetency, in the absence of a provision to that effect in the contract.—*Carver v. Sch. Dist.*, 113/524. Where a contract has been terminated by the board, mandamus will not lie to review the board's action and compel payment of salary claimed under the contract.—

Corn v. Detroit Bd. of Ed., 114/342; *Langston v. Sch. Dist. No. 3 of Springwells*, 121/654. A resolution to hire does not constitute a contract. All contracts must be in writing.—*Langston v. Sch. Dist. No. 3 of Springwells*, 121/654.

QUALIFIED TEACHER: A teacher suing for his wages need not make pretense of his certificate, but the granting of it may be proved by parol.—*Sch. Dist. v. Cook*, 47/112. Normal school certificate not filed or recorded in the proper office (see How. 4969) until after contract made.—*Smith v. Sch. Dist.*, 69/591. Since the statute makes invalid a contract, where the teacher holds no legal certificate, such contract cannot be made the basis of a recovery of salary.—*Bryan v. Sch. Dist.*, 111/67.

HOLIDAYS AND INTERRUPTIONS: Teaching contracts for stated periods are subject to the observance of recognized holidays and there can be no deductions for such occasions from a teacher's wages.—*Sch. Dist. v. Gage*, 39/484; *Holloway v. Sch. Dist.*, 62/156. Suspension of school during the prevalence of smallpox is no defense to the payment of the teacher's wages for the time the school is closed.—*Dewey v. Sch. Dist.*, 43/480. Payment of wages after the burning of the schoolhouse.—*Smith v. Sch. Dist.*, 69/589.

CONTRACTS: Under this section, providing that school teachers' contracts shall be in writing, and signed by a majority of the district board, and shall specify the wages, etc., a resolution of a school board authorizing the employment of a specified person, though supplemented by conversations between such person and individual members of the board in respect to the terms of employment, and by the action of the person designated in appearing at the school at the opening of the term, and teaching for two days without objection, does not constitute a contract of hiring binding upon the district.—*Langston v. Sch. Dist. No. 3 of Springwells Twp.*, 121/654. Under a teacher's contract providing that she should teach certain terms at a stipulated salary "providing satisfaction is given to the school board" the board had a right to say whether she should teach the spring term, and she having been notified of their determination not to employ her before the time for the term to commence she could not recover her salary though before notice she had taught one day under a claim that the spring term had begun.—*Kingston v. Sch. Dist. No. 5, Decatur Twp.*, 140/603. When a teacher's contract provides that it may be terminated on thirty days' notice, a notice to terminate is effectual though given before the commencement of service and it is within the powers of the board of education to make such contract.—*Dees v. Board of Education of Detroit*, 146/64. Under the above section, requiring all contracts by school district boards with teachers to be in writing, an oral contract with a teacher to continue the school for a month, after the expiration of his written contract is not enforceable though such teacher has performed the services.—*Hutchins v. School District No. 1 of Colfax Township*, 128/177.

CONTRACTS AND QUALIFIED TEACHERS: A contract between a teacher and a graded school district is invalid, unless the teacher, at the time of making the contract has the certificate required by section 290, authorizing her to teach during the term covered by the contract; obtaining a certificate after the making of the contract, and before the commencement of school, is not a compliance with the statute.—*McCloskey v. Sch. Dist. No. 5, Wheatland*, 134/235.

(59) § 5681. SEC. 14. The district board shall provide a water supply for pupils, have the care and custody of the school house and other property of the district, except so far as the same shall by vote of the district be especially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school house for public meetings unless by a vote at a district meeting it shall be determined otherwise: Provided, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

Care and use of school-house.

Board may exclude public meetings at certain times.

The board has the care and custody of all the property and moneys of the district, except what may be especially confided to the director.—*Maynard v. Woodward*, 36/424; *Ekhardt v. Darby*, 118/199.

(60) § 5682. SEC. 15. In addition to the branches in which instruction is now required by law to be given in the public schools of the state, instruction shall be given in physiology and hygiene, with a special reference to the nature

Branches of instruction.

of alcohol and narcotics, and their effects upon the human system. Such instruction shall be given by the aid of text-books in the case of pupils who are able to read, and as thoroughly as in other studies pursued in the same school.

Text-books. The text-books to be used for such instruction shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this subject. Text-books used in giving the foregoing instruction shall first be approved by the state board of education. Each school board making a selection of text-books under the provisions of this act shall make a record thereof in its proceedings, and text-books once adopted under the provisions of this act shall not be changed within five years, except by the consent of a majority of the qualified voters of the district present at an annual meeting or at a special meeting called for that purpose. The district board shall require each teacher in the public schools of such district, before placing the school register in the hands of the directors, as provided in section thirteen of this act, to certify therein whether or not instruction has been given in the school or grade presided over by such teacher as required by this act, and it shall be the duty of the director of the district to file with the township clerk a certified copy of such certificate. Any school board neglecting or refusing to comply with any of the provisions of this act shall be subject to fine or forfeiture the same as for neglect of any other duty pertaining to its office. This section shall apply to all schools in the state, including schools in cities or villages whether incorporated under special charter or under the general laws.

Teacher to certify.

Penalty.

Application of act.

Western Pub. House v. Sch. Dist., 94/265. This section applies to city schools organized under a special charter which does not provide for an annual school meeting.—*Jones v. Board of Ed. of Detroit*, 88/373. The power to adopt text-books is conferred by law and cannot be affected by any rule of the board of education fixing a time for the reconsideration of motions and resolutions.—*Id.* 347. As to suspension of by-law regulating adoption of text-books, see *Kendall v. Board of Education*, 106/681.

TEXT-BOOKS: The provision of the law that text-books once adopted shall not be changed within five years, was designed to protect the public and not for the benefit of book publishers. A resolution of the board directing the purchase of a specified number of text-books for use in the school constituted an adoption of that book. The five years began to run from the date of such resolution, not from the time the books were completely installed in the school. The provisions of the statute that all text-books shall be uniform on any one subject, requires uniformity in the books used in the same grade only, and does not require that all text-books used in the different grades on the same subject shall be of the same series. A resolution of the board to purchase certain text-books for "supplementary use" shows no intention to adopt, and is illegal and void.—*Att'y Gen. ex rel. Marr v. Bd. Edu. Detroit*, 133/681. Under the local act creating it (Act 233 of 1869) the Detroit board of education cannot buy school books for high school students and sell them at cost.—*Attorney General v. Board of Education*, 175/438.

Purchase of books for poor children.

(61) § 5683. SEC. 16. The district board may purchase at the expense of the district, such text-books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such

purchase in the report to the township clerk or clerks, to be levied in like manner as other district taxes.

(62) § 5684. SEC. 17. The district board shall have the general care of the school, and shall make and enforce suitable rules and regulations for its government and management, and for the preservation of the property of the district. Said board may authorize or order the suspension or expulsion from the school, whenever in its judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience. Any person who shall disturb any school by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Board to establish rules for schools.

May suspend or expel disorderly pupils.

Penalty for disturbing school.

EXPULSION: It is not necessary that a pupil be guilty of a criminal act before he can be suspended or expelled from school. He must be guilty of some wilful or malicious act of detriment to the school and the misconduct must be gross—something more than a petty or trivial offense against the rules—or he must be persistent in his disobedience of the proper and reasonable rules and regulations of the school. A boy cannot be expelled or suspended for a careless act, no matter how negligent, if it is not wilful or malicious.—Holman v. Sch. Dist., 77/609.

MISDEMEANOR: The meaning of the word "misdemeanor" in this section is gross misconduct or gross misbehavior, not necessarily a criminal act.—Holman v. Sch. Dist., 77/606-7.

The ruling of the school board of 1894 required all children to be vaccinated before attending the public school. George Mathews, having three children of school age, who had not been vaccinated, brought mandamus proceedings in the circuit court to compel the school board to admit the children to the public school. Held, that school board under this section had no authority to compel children to be vaccinated before entering public school. It is the opinion of the court, however, that in case there had been an epidemic of smallpox in the city at that time the board would have the authority to temporarily close the school, or say who shall be excluded from the school until the epidemic is passed. A school district board, by virtue of the authority conferred on it by statute to enact rules for the management of the schools, has no power to adopt a general, continuing rule, operative without regard to varying conditions, excluding from the schools all pupils who have not been vaccinated.—Mathews v. Kalamazoo Board of Education, 127/530.

RULES: A board of education under authority of the statute has power to make rules requiring children to go directly home after school. A principal is not liable for damages who enforces such a rule.—Jones v. Codv, 132/13.

(63) § 5685. SEC. 18. All persons residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: Provided, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places as may be deemed expedient.

Who can attend school.

No separate school on account of race, etc.

Grading not prevented.

It is the requirement of the general law that the right to attend the schools shall be possessed equally and impartially by all classes of residents.—People v. Detroit Bd. of Ed., 18/413. And mandamus will lie at the instance of a father to compel the admission of his child to school.—Id. But children, not bona fide residents of a family in a school district but inmates in an institution of a charitable nature in such district, engaged in supporting and educating homeless and needy minors, and which does not contribute by paying taxes to the maintenance of district schools, are not entitled to attend school in a district which has determined not to admit non-resident pupils.—Lake Farm v. Dist. Bd. of Dist. No. 2, Kalamazoo Township, 179/171.

District boards may admit non-resident pupils.

Children who are a county charge to be admitted.

(64) § 5686. SEC. 19. The district board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils and collect the same, which tuition shall not be greater than fifteen per cent more than the average cost per capita for the number of pupils of school age in the district. Children who are being cared for at county expense shall be admitted to the school in the district whose schoolhouse is nearest the county house, on the same terms that other non-resident pupils are admitted. When non-resident pupils, their parents or guardians, pay a school tax in said district, such pupils shall be admitted to the schools of the district, and the amount of such school tax shall be credited on their tuition a sum not to exceed the amount of such tuition, and they shall only be required to pay tuition for the difference therein.

TUITION: Before any action can be maintained for the tuition of non-resident pupils, the district board must first fix and determine the rate of tuition of such pupils, by resolution of the board properly recorded by the director in the records of the district.—Thompson v. Sch. Dist., 25/483.

Moderator.

Duties.

(65) § 5687. SEC. 20. It shall be the duty of the moderator of each school district:

To preside.

First, To preside, when present, at all meetings of the district and of the board;

Countersign orders, etc.

Second, To countersign all orders legally drawn by the director upon the treasurer for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk;

When to bring suit on treasurer's bond.

Third, To cause an action to be prosecuted in the name of the district on the treasurer's bond, in case of any breach of any condition thereof;

Fourth, To perform such other duties as are or shall be by law required of the moderator.

SECOND: Countersigning orders.—Wall v. Eastman, 1/268; Sch. Dist. v. Mallary, 22/111. The moderator has the right to satisfy himself that the claim for which the order was drawn is a valid one.—Stockwell v. White Lake Twp. Bd., 22/341; People v. Bender, 36/195. But it must be a very plain case of wrong where the moderator can refuse to enable the district to obtain its own funds.—People v. Bender, 36/197. The director is a proper relator for mandamus to compel the moderator to countersign.—Id. Where an order purports upon its face to be issued by a school district, and is signed by the school officers in the ordinary place for signatures, and at the left, in fine print, are the words, "Issued by authority of the officers of said district, and payment guaranteed," and a space left underneath for the signatures of the guarantors, Held, That the purchaser took the order subject to the authority of the school district to issue. That such school officers are not liable as guarantors.—Bailey v. Tompkins, 127/74.

Director.

Director, duties.

(66) § 5688. SEC. 21. It shall be the duty of the director of each school district:

First, To act as clerk, when present, at all meetings of the district and of the board;

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions and other proceedings of the board in proper record books; To record proceedings.

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law; Notice of meetings.

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the treasurer of the district, and orders upon the treasurer for all moneys to be disbursed by the district, and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which and the fund upon which it is drawn; Warrants and orders.

Fifth, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature; Teachers' contracts.

Sixth, To provide the necessary appendages for the school house and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages within the meaning of the law shall consist of the following articles, to-wit: A set of wall maps, the grand divisions, the United States and Michigan, not exceeding twelve dollars in price, a globe not exceeding eight dollars, a dictionary not exceeding ten dollars, a reading chart not exceeding five dollars, and a case for library books not exceeding ten dollars; also a looking-glass, comb, towel, water pail, cup, ash pail, poker, stove shovel, broom, dust pan, duster, wash basin and soap, and upon the order of the district board shall furnish the school house with such other apparatus as may be necessary for doing efficient work; Appendages.
What constitutes.
Other apparatus.

Seventh, To keep an accurate account of all expenses incurred by him as director, and such accounts shall be audited by the moderator and treasurer, and on their written order shall be paid out of any money provided for the purpose; To keep accounts.

Eighth, To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for the payment of the services of any district officer; Estimate of expenses.

Ninth, To preserve and file copies of all reports made to the school inspectors and safely preserve and keep all books, papers and other documents belonging to the office of director or to the district, when not otherwise provided for, and to deliver the same to his successor in office; To preserve reports.

Tenth, To perform such other duties as are or shall be required of the director by law or the district board. Other duties.

SECOND: Proceedings which are required to be recorded cannot be proved by parol.—Thompson v. Sch. Dist., 25/488.

FOURTH: The warrant for payment by the treasurer to the assessor of moneys belonging to the district is an official order for the transfer of funds,

not negotiable and not legally payable to any person but the officer named.—Fox v. Shipman, 19/218; Burns v. Bender, 36/195. See Sch. Dist. v. Mallary, 23/111; Sch. Dist. v. Sch. Dist., 40/551. The duty of procuring this transfer of district moneys, within some reasonable time is not discretionary, but absolute, upon the director, and the moderator is bound to countersign all orders of the director for that purpose.—Burns v. Bender, 36/197. The township treasurer must pay so much of the money in his hands as is covered by the director's warrant in proper form, even though it does not specify a precise sum, but is for all such money in his hands as was raised for the purposes of the district.—Bryant v. Moore, 50/225. The disbursement of all school moneys must be made upon orders drawn on the assessor by the director, countersigned by the moderator.—Burns v. Bender, 36/195; Midland Sch. Dist. v. Sch. Dist., 40/551; Sch. Dist. v. Mallary, 23/111.

SIXTH: See section 46, subd. 7. See, also Sch. Dist. v. Snell, 24/350; Cent. Sch. Supply House v. Sch. Dist., 99/402. Removal of director from office for persistent refusal and neglect to put the furniture, etc., of the school house in order and repair.—Twp. Board of Hamtramck v. Holihan, 46/127.

SEVENTH: Assumpsit will lie in favor of the director of a school district on a disputed claim, the moderator and assessor having declined to pass upon the same as an entirety under this subdivision.—Van Wert v. Sch. Dist., 100/332.

EIGHTH: Prior to 1859, no provisions of law existed for paying any of the officers for services rendered.—Hinman v. Sch. Dist., 4/168.

(67) § 5689. SEC. 22. There shall be taken annually in each school district of this state a school census in the manner provided in this section:

First, In all school districts, except in incorporated cities having a population of three thousand or over and except in counties having a population of two hundred fifty thousand or over, within fifteen days next previous to the first day in June of each year, the director, or some other reputable and capable person shall be appointed by the district board to take the school census of the district and make a list in writing of the names and ages of all the children who are five years of age, and under twenty years of age, whose parents or legal guardians reside therein, the names of said parents or guardians, giving street and residence number in villages and cities, in such form as the superintendent of public instruction may prescribe, and said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or endorsed thereon, setting forth that the person or persons taking such census made a house to house canvass of the entire district or portion thereof canvassed by said enumerator and that it is a correct list of the names of all the children between the ages aforesaid residing in the district. Said affidavit may be made before the township clerk or other officer authorized by law to take acknowledgments; and said verified census list shall be returned with the annual report of the director to the township clerk before the first Monday in August thereafter. The director, or other person employed by the board of education, may receive as compensation for taking said census, such sum as the school board may direct not exceeding one hundred dollars;

Second, In all incorporated cities or special legislative districts having a population of three thousand or over, within twenty days next previous to the first day in June of each year, the secretary of the board of education, or other reput-

Annual
school
census.

How and
when taken.

How lists
verified.

Compensa-
tion.

How taken
in certain
cities.

able and capable person or persons employed by the board of education, shall take the school census of said city as follows:

(a) The census shall be taken and reported by wards;

(b) Each enumerator shall make a list in writing of the names and ages of all children who are five years of age and under twenty years of age, whose parents or legal guardians reside in the ward or portion of the ward allotted to said enumerator, together with the names of said parents or legal guardians, giving the street and residence number in each case, said list to be in such form as the superintendent of public instruction may prescribe, and it shall be verified by the oath or affirmation of the person making the same, by affidavit appended thereto or indorsed thereon, setting forth that the person or persons taking such census made a household canvass of the entire ward or portion thereof canvassed by said enumerator and that it is a correct list of the parents or legal guardians, their street and residence number, the names and ages of all the children of the ages aforesaid residing in the ward or part thereof as allotted to him;

Third, In taking the census in any school district or city the director or enumerators shall not include in the census the names of any child or children in reformatories or prisons; nor the names of any child or children in asylums, almshouses, or other charitable institutions except as follows:

(a) Children in such institutions and children living in the school district placed in homes licensed by the state board of corrections and charities who regularly attend the public schools;

(b) Orphans whose parents at the time of death resided in such school district or city. Children of either class shall be included in the district or ward where such institution is located, except children in class (a) where the parents or either of them reside in the city or district, and in such cases the legal residence of the child is that of the parent, except children placed in homes licensed by the state board of corrections and charities which children shall be considered residents of the school district where the licensed home, in which they are living, is located. The school board of a school district where a licensed home is located shall refuse to include in the census list of said district the names of children being cared for in said licensed home whenever said school board is served with a written notice by the superintendent of public instruction that the school room or rooms of said school district are inadequate for school purposes, and that no greater number of names of such children shall be included in the census list of the district than the number designated by the said superintendent of public instruction. All other such children being cared for in said licensed home or homes located in said district shall not be considered residents of said district for educational purposes. Indian children shall not

Children
not included.

be included in any census, unless they attend the public schools, or their parents are liable to pay taxes in the district or city. Domestic, bell boys, and other servants, if entitled to be included in the census, must be recorded at the residence of their parents or legal guardians;

Compilation.

Fourth, In cities having a population of three thousand or over, the secretary of the board of education and the several enumerators shall, immediately after the first day in June of each year, compare, correct and compile the entire census. The said secretary of the board of education shall then attach thereto his affidavit that the several enumerators were duly employed by the board of education and that said census has been properly compared, corrected and compiled; and forthwith, and before the second Monday in July thereafter, transmit to the superintendent of public instruction the entire census, together with his affidavit and the affidavits of the several enumerators, and at the same time he shall transmit to said superintendent of public instruction the annual statistical and financial report of said city or district;

Affidavit attached.

When transmitted.

In certain counties, etc., how taken.

Fifth, In all school districts in counties having a population of two hundred fifty thousand or over, the census shall be taken as follows: In all cities of three thousand or over, the census shall be taken in the manner prescribed in the foregoing paragraphs for the taking of census in such cities. In all other districts of said counties the census shall be taken as follows: Within fifteen days next previous to the first day in June of each year, the county commissioner of schools or such other reputable and capable person or persons as he may appoint, shall take the school census of the several districts in the county and make a list in writing of the names and ages of all the children who are five years of age, and under twenty years of age, whose parents or legal guardians reside in the respective districts, the names of said parents or guardians, giving street and residence number in villages and cities, in such form as the superintendent of public instruction may prescribe, and said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or endorsed thereon, setting forth that the person or persons taking such census made a house to house canvass of the entire district or portion thereof canvassed by said enumerator and that it is a correct list of the names of all the children between the ages aforesaid residing in the district. Said affidavit may be made before any officer authorized by law to take acknowledgments; and said verified census list shall be filed in the office of the county commissioner of schools before the third Monday in June thereafter. Immediately after the third Monday in June of each year, the county commissioner of schools and the several enumerators, or such other persons as the county commissioner of schools may appoint, shall compare and

Correction, etc.

correct in his office the entire census taken by him or by enumerators appointed by him. The said commissioner of schools shall then attach to the census lists of the several districts of the county his affidavit that the several enumerators were duly employed by him and that said census has been properly compared and corrected; and forthwith, and before the second Monday in September thereafter, transmit to the superintendent of public instruction the entire census by districts, together with his affidavit and the affidavits of the several enumerators. The actual and necessary expense incurred by the commissioner of schools in taking the census in his own county shall be audited and allowed by the board of supervisors or the county board of auditors.

Affidavit of commissioner.

When transmitted.

Expense, how paid.

Am. 1921, Act 103.

It was an improper exercise of the discretion of the superintendent of public instruction to reject from the list of names 91 school children, whose parents or guardians, as shown in the report of the secretary of the public schools, resided in the district, and it was unlawful to reject the names of five children who were orphans attending school in the city and living with relatives that stood in loco parentis.—Muskegon Public Schools v. Wright, 176/6.

(68) § 5690. SEC. 22a. Any person who shall refuse to give any census enumerator of school children the necessary information for the compiling of a correct census or who shall intentionally give to such enumerator any false information as to the names or ages of school children or as to the names or residence of the parents or guardians of any school children, or any school census enumerator who shall perform his duties carelessly or negligently or shall include in the list of names of school children any children who are not actually residents of the city or district, shall be guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be liable to a fine of not less than five dollars nor more than fifty dollars, or to imprisonment in the county jail for not more than twenty days, or both such fine and imprisonment in the discretion of the court.

Penalty for giving false information for school census.

(69) § 5691. SEC. 23. The director shall also, at the end of the school year, and previous to the first Monday in August in each year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

Report to school inspectors, what to contain.

First, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Second, The number attending school during the year under five, and also the number over twenty years of age;

Third, The number of non-resident pupils of the district that have attended school during the year;

Fourth, The whole number that have attended school during the year;

Fifth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

Sixth, The average length of time scholars between five and twenty years of age have attended during the year; .

Seventh, The amount of money received from the township treasurer apportioned to the district by the township clerk;

Eighth, The amount of money raised by the district, and the purposes for which it was raised;

Ninth, The kind of books used in the school;

Tenth, Such other facts and statistics in regard to the schools and the subject of education as the superintendent of public instruction shall direct.

Where
director of
fractional
district to
report.

(70) § 5692. SEC. 24. The director of each fractional district shall make his annual report to the clerk of the township in which the school house is situated, and shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township.

TREASURER.

Treasurer to
file bond.

(71) § 5693. SEC. 25. It shall be the duty of the treasurer of each school district:

Premium.

First, To execute to the district and file with the director, within ten days after his election or appointment, a bond in the full amount of money to come into his hands during each year of his term of office, as near as the same can be ascertained, with two or more sureties, each of whom shall be required to justify in writing and under oath to the amount for which he is holden in said bond; or the treasurer may furnish the bond of some surety company authorized to do business in this state. The premium on said surety bond if purchased shall be paid by the district; the form of the bond, the penalty and sufficiency of the sureties to be subject to the approval of the moderator and director, conditioned for the faithful performance of his duties and the proper application of all moneys that shall come into his hands by virtue of his office. Said bond shall be filed with the director, and none of the books or money of the district shall be placed in the hands of the treasurer until his bond has been so approved and filed, and in case of any breach of the conditions thereof the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the treasurer: Provided, That if the treasurer shall deposit the money in any bank or trust company authorized to do business in this state, such deposit shall be made in his name as treasurer of the district, and any and all interest paid by such bank or company on such deposits shall be accounted for by the treasurer to the district and

Filing and
approval.

Proviso,
deposits.

redited to the general fund: Provided, That no bank or depository shall receive a larger deposit of said funds than the amount of the bond as hereinafter provided, and in no event to exceed one hundred thousand dollars, and such bank or banks shall give good and sufficient bond to be approved by the district board conditioned for the receipt, safe-keeping and payment of all money which may come into its custody, in the amount designated as the penalty in the bond furnished by the district treasurer to the district. It shall be the duty of the treasurer of said district to see that a sum in excess of the amount of the bond is not deposited in such bank or banks, and said treasurer and his bondsmen shall be liable for only such loss occasioned by deposits in excess of the amount of such bond. The district board of each district shall determine by resolution the time for which such deposits shall be made, and all details for carrying into effect the authority herein given, but all such proceedings in connection with the deposit of such moneys shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection: Provided, That the electors at the annual meeting may designate a depository or depositories in which the funds of the district shall be deposited: Provided, however, That upon failure of the electors at such annual meeting to designate such depository or depositories, the district board by a majority vote of the members thereof, may designate a depository or depositories in which the funds of the district shall be deposited. Upon designation of any depository or depositories in compliance with the provisions of this section, it shall be the duty of the treasurer to deposit all funds of the district therein, and in such proportion and manner as may be provided by said district board. Every such depository so named shall give such bond as the district board may require and approve for the safe-keeping and accounting of such funds, in which case the treasurer shall not be held liable for any neglect or default by any such depository or depositories;

Proviso,
limit.

Duty of
treasurer.

Proviso, when
depository
designated.

Second, To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;

Orders.

Third, To keep a book in which all moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid;

Record kept.

Fourth, To present the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year and each item of disbursements made, and exhibit the voucher therefor;

Annual
report.

Fifth, To appear for and on behalf of the district in all suits brought by or against the same when no other direc-

Suits.

tions shall be given by the qualified voters in the district meetings, except in suits in which he is interested adversely to the district, and in all such cases the moderator shall appear for such district if no other directions be given as aforesaid;

Settlement,
etc.

Sixth, At the close of his term of office to settle with the district board and deliver to his successor in office all books, vouchers, orders, documents and papers belonging to the office of treasurer, together with all district moneys remaining on hand;

Seventh, To perform such other duties as are or shall be by law required of the treasurer.

FIRST: An assessor cannot lawfully withhold the district funds in his hand when demanded by his successor, upon a claim that he is entitled to be personally notified of such election and acceptance of office. He is chargeable with notice of such facts and is liable to an action for money had and received as well as action on his bond.—*Mason v. Sch. Dist.*, 34/228. See *Welch v. Frost*, 1/30; also *Bryant v. Moore*, 50/225.

SECOND: See section 65, subd. 2, and section 66, subd. 4, and notes. The assessor is the disbursing officer of the district.—*Sch. Dist. v. Mallary*, 23/111. He is the lawful treasurer and depository of school district funds and all moneys must pass through his hands and be paid out by him on proper orders.—*Sch. Dist. v. Sch. Dist.*, 40/551. Moneys in the hands of the township treasurer belonging to a school district cannot be applied to any district purpose, except through the hands of the assessor.—*Burns v. Bender*, 36/198. An assessor cannot pay out any money lawfully without a warrant.—*Id.* Interest is not payable on school district orders if no authority has been given to impose it.—*Turnbull v. Sch. Dist.*, 45/496. But interest may be allowed from demand when mandamus is granted for payment, when its claim is such a settled demand as would sustain a recovery of interest at law.—*Martin v. Tripp*, 51/184. Mandamus lies to compel a district to pay or provide for the payment of its orders.—*Turnbull v. Sch. Dist.*, 45/496. And to compel an assessor to pay a school order, where the court is satisfied that there is no valid defense.—*Martin v. Tripp*, 51/184. A showing of a want of funds is a complete answer to an application for mandamus to require an assessor to pay a warrant drawn on him.—*Allen v. Frink*, 32/96.

FIFTH: The management and control of suits is specially confided to the assessor, when no other direction is given in district meeting; the moderator and director, though constituting a majority of the district board, have no authority to take the defense of a suit from the assessor. And the voters, as such, cannot interfere.—*Sch. Dist. v. Wing*, 30/351. See *Benallick v. People*, 31/204. An appeal taken in the name of the district without the authority of the assessor, if he is competent to act, is void.—*Id.* Whether he is a proper relator for mandamus to compel the moderator to sign the director's warrants, see *Burns v. Bender*, 36/197.

SIXTH: Deposits in a bank: Where money belonging to a board of education or a school district is deposited in a bank with the knowledge of the board and the district receives interest thereon, the district does not become a preferred creditor upon failure of bank.—*Bd. of Ed. City of Detroit v. Union Trust Co.*, 136/454.

LIABILITIES ON BOND: Misconduct of a board of education in appointing a certain person treasurer in consideration of a promise to pay interest on funds does not render appointment void nor release sureties. The depositing of funds in a bank of which the treasurer is an officer does not make the deposit the board's act so as to release sureties on the treasurer's bond.—*Board of Education of Detroit v. Andrews*, 142/484. See *Twp. of Wexford v. Seeley*, 196/634.

CHAPTER IV.

TOWNSHIP CLERK.

(72) § 5694. SEC. 7. The township clerk shall receive the annual reports of the school directors of his township, and on the first Monday of August in each year he shall make triplicate reports setting forth the whole number of school

Triplicate
reports,
when
township
clerk to
make, etc.

districts in his township, if any, the amount of money raised and received for school libraries and such other items as shall from year to year be required by the superintendent of public instruction, together with the several particulars set forth in the reports of the several school directors for the preceding year, and within ten days thereafter he shall forward two copies of the same, together with two copies of each of the reports from school directors to the county commissioner of schools and file the other copy or copies of these reports in his office, and he shall receive all communications, blanks and documents transmitted to him by the superintendent of public instruction and dispose of the same in the manner directed by said superintendent: Provided, That in case the township is organized into a township district or a fractional township district the board of education of such township district or fractional township district shall meet on the first Monday in August and make the triplicate reports to the superintendent of public instruction, and in such cases this report shall take the place of the report above provided for to be made by the township clerk, and the said board shall dispose of its reports in the same manner as is provided for the township clerk: Provided further, That the county commissioner of schools shall annually send to each township clerk and to the secretary of each board of education a complete list of the legally qualified teachers of the county, and at the time the township clerk shall make the triplicate reports herein provided for he shall compare the list of teachers employed in the township with said complete list of teachers, and if in any school district or in the township district a school shall not have been taught for the time required by law during the preceding year by a legally qualified teacher, no part of the primary school interest fund shall be distributed to such district or to such proportional part of the township, although the report from such district or township shall set forth that a school or schools have been so taught, and it shall be the duty of the township clerk or the board of education, when said board shall make the reports as hereinbefore provided, to certify all these facts as to the employment of teachers to the superintendent of public instruction.

Copies, where filed.

Proviso, in case of township district.

Further proviso, legally qualified teachers.

Primary money, when forfeited.

Sections 1-6, inclusive, and section 8 were repealed by Act 29 of 1909.

(73) § 5695. SEC. 9. Each township clerk shall make or cause to be made a map of his township, showing by distinct lines thereon the boundaries of each school district and parts of school districts therein, if such school districts exist, and shall regularly number the same thereon as established by proper authority. One copy of such map shall be filed by said clerk in his office and one other copy he shall file with the supervisor of the township. If any division or alteration

Map showing school districts.

Copies, where filed.

Alterations.

is at any time made in the boundaries of any district or of any township district, the township clerk shall within one month thereafter file a new map and copy thereof as aforesaid showing such changes.

That certain lands are within a particular school district may be shown by parol, without producing maps, plats or documents.—*Brooks v. Fairchild*, 36/234.

Clerk to certify proposed school taxes.

(74) § 5696. SEC. 10. It shall be the duty of the township clerk of each township, on or before the first day of October in each year, to make and deliver to the supervisor of his township a certified copy of all statements on file in his office of moneys proposed to be raised by taxation in each of the several school districts of the township, if any, for school purposes, or to be raised by any township district, whole or fractional, for such purposes. In case such condition shall arise, he shall certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school house or other property on the division of the district as the same shall have been determined by proper authority, and he shall also certify the same to the director or secretary of such district and to the director or secretary of the district entitled thereto.

In case of division of district.

Apportionment of school moneys.

(75) § 5697. SEC. 11. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, the township clerk shall apportion the same amount to the several districts therein, or to the whole or fractional township district entitled to the same, in accordance with the statement from the superintendent of public instruction sent to such township clerk and based upon the annual report of the school directors or the secretary of the board of education for the preceding school year, and he shall file said statement from the superintendent of public instruction permanently in the records of his office.

To apportion school taxes.

Statement to treasurer.

(76) § 5698. SEC. 12. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources, for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of the primary school interest fund, or moneys raised by tax, or received from other sources, is made, he shall give notice of the amount to be received by each district to the director thereof.

To notify directors of amount apportioned districts.

TOWNSHIP SUPERVISOR AND TREASURER.

(77) § 5699. SEC. 13. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this act, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year.

Assessment and collection of district taxes.

Taxes not assessed at proper time.

FAILURE TO ASSESS: The provision in the last clause of this section applies to a case where school taxes are not certified by the board to the township clerk in time for certification to the supervisor for assessment.—*Wilcox v. Eagle Twp.*, 81/271. See *Union Sch. Dist. v. Parris*, 97/596.

(78) § 5700. SEC. 14. The supervisor shall also assess upon the taxable property of his township, one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk, who shall report said amount to the director of each school district in his township, or to the director of any fractional school district a portion of which may be located in said township before the first day of September of each year: Provided, That before the supervisor shall assess said tax he shall examine the reports of the several school districts in his township for the preceding year and if said reports show, exclusive of funds raised for building purposes, a balance on hand in any district of a sum equal to or in excess of the amount paid for teachers' wages in said district during the preceding year, then said supervisor shall not assess the one-mill tax upon the property of such district for the ensuing year. All moneys raised by one-mill tax shall be apportioned by the township clerk to the district in which it was raised, and all moneys collected by virtue of this act during the year, on any property not included in any organized district, or in districts which have not maintained school for the required period during the previous year, shall be apportioned to the several other school districts of said township that did maintain school, in the same manner as the primary school interest fund is now apportioned. All moneys accruing from the one-mill tax upon the property of any district in any township before said district shall have a legal school therein, shall belong to the district in which it was raised when such district shall have maintained school for the required period by a qualified teacher.

Assessment of one-mill tax.

Proviso, when assessment not to be made.

Moneys apportioned town clerk.

Where no districts are formed.

When district is divided, certain taxes to be assessed.

(79) § 5701. SEC. 15. The amount to be assessed upon the taxable property of any school district retaining the schoolhouse or other property, on the division of a district, as the same shall have been determined by the inspectors, shall be assessed by the supervisor in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: Provided, That if the district retaining the schoolhouse shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the moderator and director of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section. When collected, such amount shall be paid over to the treasurer of the new district, to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a schoolhouse or other district purposes.

Proviso.

How such taxes to be applied.

NEW DISTRICT: The money when collected, must be paid to the assessor of the new district; and if wrongfully paid to the old one, the new district may maintain an action for money had and received, against the old district.—Sch. Dist. v. Sch. Dist., 40/531.

Taxes in fractional districts.

(80) § 5702. SEC. 16. The full amount of all taxes to be levied upon the taxable property in a fractional school district shall be certified by the district board to the township clerk of each township in which such district is in part situated, and by such township clerks to the supervisors of their respective townships, and it shall be the duty of each of said supervisors to certify to each other supervisor interested, the amount of taxable property in that part of the district lying in his township: Provided, That when there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining townships or counties, such valuation shall be equalized for this specific purpose by the supervisors of the townships interested at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the proportion of such taxes, including mill tax, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district. And if said supervisors cannot agree as to the proportion of such taxes to be placed on their respective assessment rolls, a supervisor from an adjoining township shall be called to meet with said supervisors in said fractional district and assist in equalizing said valuation. Said supervisor to be paid at the rate of three dollars per diem for the time necessarily employed in attendance at such

Proviso.

In cases of disagreement of supervisors.

meeting of the supervisors, and all necessary traveling expenses, by the townships in interest.

(81) § 5703. SEC. 17. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof.

Statement to township treasurer.

(82) § 5704. SEC. 18. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement, certified by him, of the amount of the one-mill tax levied upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

Statement to township treasurer of one-mill tax levied in fractional district.

(83) § 5705. SEC. 19. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

Collection and apportionment of taxes on division of district.

See section 38 and notes.

(84) § 5706. SEC. 20. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

School taxes, when paid.

SCHOOL TAXES: The township treasurer has no right to receive for school moneys anything which the law has not authorized to be received. If he does so and receipts for the taxes, he must make good the amount.—*Jones v. Wright*, 34/372; *Sch. Dist. v. Sch. Dist.*, 40/534. See *Elliott v. Miller*, 8/132, and notes to section 2133, C. L., 1915. The liability of a township treasurer for school moneys is distinct from his ordinary liability for

township moneys, and it cannot be released or in any way affected by the action of the township board.—Jones v. Wright, 34/372. As to the custody, etc., of school district moneys, see notes to section 66, subd. 4, and section 71, subd. 1, 2.

Liability of township to Sch. Dist., section 4089, C. L. 1915, provides that all losses that may be sustained by the default of any township officer in the discharge of any duty imposed by the act shall be chargeable to the township. The act charges the township treasurer with the duty of collecting and paying over all school district taxes. Held, that a township is liable to a school district for school moneys lost through the defalcation of the township treasurer.—Smith v. Jones, 136/532. Designating depository for township funds, see Act 305, P. A. 1909, (§ 2134, C. L. 1915).

Township treasurer to apply to county treasurer for moneys.

(85) § 5707. SEC. 21. The township treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

Moneys of fractional districts.

(86) § 5708. SEC. 22. The treasurer of a fractional school district of a township to the clerk of which the returns of such fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situated, for any money to which such district may be entitled; and the treasurer paying over the same shall take a receipt therefor in duplicate, one copy of which he shall file in his office, and the other copy he shall send by mail, or deliver personally, to the clerk of the township to whose fractional school district's treasurer he has paid any money on account of such fractional school district, which shall be specified in the receipt.

Duplicate receipt.

Am. 1921, Act 51.

CHAPTER V.

COUNTY CLERK AND TREASURER.

County clerk to receive and dispose of communications, etc.

(87) § 5709. SECTION 1. It shall be the duty of each county clerk to receive all such communications, blanks, and documents as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

County clerk to examine reports, etc.

(88) § 5710. SEC. 2. The clerk of each county shall, on receiving from the secretary of the county board of school examiners the annual reports of the several boards of school inspectors, file the same in his office. On receiving notice from the superintendent of public instruction of the amount of moneys apportioned to the several townships in his county he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

Notice of apportionment of moneys.

County treasurer to apply for moneys apportioned.

(89) § 5711. SEC. 3. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall be

come due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

To notify township clerks of amounts.

CHAPTER VI.

BONDED INDEBTEDNESS OF DISTRICTS.

90) § 5712. SECTION 1. Any school district may, by a majority vote of the qualified voters of said district present at an annual meeting or at a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a schoolhouse site or sites, or to pay for an addition or additions of territory to a schoolhouse site or sites, and to erect and furnish school buildings, or to complete school buildings under the course of construction. The district board, or board of education, shall estimate the amount of money necessary to be raised and shall state their estimate in the notices of the annual or special meeting, at which the question of borrowing money and issuing bonds shall be submitted to the people; and at said meeting the voters shall have power to ratify by vote aforesaid the estimate of the district board, or board of education, or to fix a new limit on the amount to be borrowed and for which bonds may be issued: Provided, That no school district shall issue bonds for an amount greater than fifteen per cent of the total assessed valuation of said district nor shall the bonded indebtedness of a district extend beyond the period of thirty years for money borrowed: Provided further, That in all proceedings under this section, the district board and one person selected by the qualified voters present at said meeting shall constitute a board of inspectors, who shall cause a poll list to be kept and a suitable ballot box to be used, and the polls shall be kept open at least two hours. The votes shall be by ballot, either printed or written, or partly printed and partly written, and the canvass of the same shall be conducted in the same manner as at township elections, or as far as the laws governing the same are applicable, and when said laws are not applicable, the board of inspectors shall prescribe the manner in which the canvass shall be conducted.

Authority to bond for buildings.

Estimates.

Power of voters.

Proviso, limit of bond issue.

Further proviso, board of inspectors.

Conduct of election.

Am. 1919, Act 43; 1921, Act 172. Also amended by Act 31, P. A. 1921, superseded by Act 172.

BONDS: A vote to issue school district bonds in settlement of a demand, if in excess of the limit fixed by law, may be sustained up to the legal limit.—Socdale v. Sch. Dist., 47/226. The purchaser of a school district bond has a right to rely upon all facts asserted or appearing upon the face of the bonds, made by any person or body authorized by law to pass upon and determine the facts.—Gibbs v. Sch. Dist., 88/336. Detaching a portion of a district and organizing it into or with another township.—People v. Ryan, 19/203. The act of the legislature in detaching a part of the territory of a

township and erecting therefrom a new township, of another name does not have the effect of putting an end to the school district organizations in the detached territory, and the holder of bonds issued thereafter by a district in such territory may recover thereon notwithstanding a subsequent reorganization of the district.—Wayne Co. Svgs. Bank v. School District, 152/440. The provisions of the general school law govern the school district of Traverse City, organized under special act, when not inconsistent with the provisions of the special act, and the limit of bonded indebtedness fixed in this section is applicable to said city.—Bd. of Ed. of Traverse City v. Straub, 182/665. By general statute as amended, the power is conferred on the qualified voters to borrow money and issue bonds, but no constitutional prohibition affects the power of the legislature to vest in the board of education the powers exercised by the electors under such statute.—Bd. of Ed. of City of Muskegon v. Smith, 183/429. See Bd. of Ed. of Owosso v. Goodrich, 208/646.

Issuing bonds
for money
borrowed.

(91) § 5713. SEC. 2. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district, in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding eight per centum per annum, and payable at such time or times as the said district shall have directed.

Interest
thereon.

The statute limits the authority of the board, in issuing bonds, to such as are authorized by the district; and, before the board can act, it has a function to perform in its nature somewhat judicial. It must pass upon the question whether the proceedings in voting the bonds are such as will authorize the board to issue them. A purchaser of the bonds, therefore, need look no further back than the face of the bonds for the facts which show a compliance with the law.—Gibbs v. Sch. Dist., 88/337.

Voters may
raise tax to
redeem bonds.

(92) § 5714. SEC. 3. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district, for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

District may
borrow money
to pay bonds,
and issue
further bonds.

(93) § 5715. SEC. 4. Any school district, whenever it shall appear that the same can be done on terms advantageous to said district, may borrow money to pay any bonded indebtedness of said district then existing, and issue further bonds of said district therefor: Provided, That a majority of the qualified voters of said district shall so determine, at an annual or special meeting called for that purpose; and that the notice of such meeting, whether annual or special, shall state the intention to take such vote.

Proviso.

PER CAPITA TAX AUTHORIZED IN CERTAIN SCHOOL DISTRICTS.

An Act to prescribe the power of school districts, having a population not less than fifteen thousand and not more than one hundred thousand, where taxes are based on a per capita for each child of school age, to impose and collect taxes for school purposes, and to repeal all acts or parts of acts inconsistent therewith.

[Act 48, P. A. 1917.]

The People of the State of Michigan enact:

94) SECTION 1. The district board or board of education of any school district in the state of Michigan, whose population shall not be less than fifteen thousand and not more than one hundred thousand, wherein taxes authorized to be raised for school purposes are based upon a rate per capita for each child of school age as shown by the last preceding school census of the district, is hereby authorized to impose a tax on the taxable property of the district for the purpose of paying the ordinary expenses of conducting its schools and of paying all or any part of the principal and the interest on the bonded indebtedness of the district, to be levied and collected in the same manner as provided by law for school district taxes, in an amount not exceeding the rate per capita for each child of school age as shown by the last preceding school census of the district, as fixed by the taxable inhabitants of such school district at any regular or special meeting of such district. The fixed rate per capita shall continue until changed and a new rate fixed at a regular meeting of the district by an affirmative vote of a majority of the taxable inhabitants of the district voting thereon.

Tax for school purposes.

Amount.

Rate continued.

Section 2 repeals all acts or parts of acts, whether local or general, in anywise conflicting with the provisions of this act.

CHAPTER VII.

SUITS AND JUDGMENTS AGAINST DISTRICTS.

(95) § 14167. SEC. 2. Justices of the peace shall have jurisdiction in all cases of assumpsit, trespass on the case and replevin against school districts, when the amount claimed, or matter in controversy shall not exceed one hundred dollars; and the parties shall have the same right of appeal as in other cases.

Justices to have jurisdiction in certain cases.

This is section 2, chapter 66, of the judicature act of 1915, which repeals §§ 4721 and 4722, C. L., 1897. See act 314 of 1915, pp. 425, 480.

As to corporate powers, etc., see note to section 33. Liability for debts after changes made in districts.—See sections 37-38 and notes. Action of one district against another for money had and received.—Sch. Dist. v. Sch. Dist., 40/551; Andreas v. School District, 138/54.

Service of
process.

(96) § 12438. SEC. 35. In suits or proceedings against municipal and public corporations * * * service of process may be made as follows:

* * * * *

6. Against school districts, upon the president of the board of education, director, moderator or treasurer of such district.

This is an excerpt from section 35, chapter 13, of the judicature act of 1915. See Act 314 of 1915, pp. 84, 480, repealing § 4722, C. L. 1897.

School
district.

(97) § 12973. SEC. 8. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

Sections 8-12 are taken from the judicature act of 1915, chapter 24. See Act 314 of 1915, p. 187, superseding § 4723, C. L. 1897.

Treasurer
to certify
judgment.

(98) § 12974. SEC. 9. Whenever any final judgment shall be obtained against the school district, if the same shall not be removed to any other court, the treasurer of the district shall certify to the supervisor of the township and to the director of the district the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the treasurer shall certify the same as aforesaid, immediately after the final determination thereof against the district.

See Act 314, of 1915, p. 187, superseding § 4724, C. L. 1897.

When treas-
urer fails
to certify.

(99) § 12975. SEC. 10. If the treasurer shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators, or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the treasurer.

See Act 314, of 1915, p. 187, superseding § 4725, C. L. 1897.

Fractional
school
district.

(100) § 12976. SEC. 11. If the district against which any such judgment shall be rendered is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the supervisor of each township in which such district is in part situated.

See Act 314, of 1915, p. 187, superseding § 4726, C. L. 1897.

Supervisor
to assess
judgment.

(101) § 12977. SEC. 12. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes; and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

How collected
and returned.

See Act 314, of 1915, p. 187, superseding § 4727, C. L. 1897.

CHAPTER VIII.

SITES FOR SCHOOLHOUSES.

(102) § 5716. SECTION 1. The qualified voters of any school district, when lawfully assembled may designate by a vote of two-thirds of those present, such number of sites as may be desired for schoolhouses and may change the same by similar vote at any annual or special meeting, or by the same vote may enlarge any existing site. Whenever the question of designating a school site or of changing a school site is to be brought before the school meeting, the notice of said meeting shall state the intention to vote upon such question. When no site can be established by such inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated, upon notification by the district board that the district is unable to fix a site, shall determine where such site shall be, and their determination shall be certified to the director of the district and shall be final, subject to alteration afterwards by the inspectors, on the written request of two-thirds of the qualified voters of the district, or by two-thirds of the qualified voters agreeing upon a site at a district meeting lawfully called.

Sites for school-houses, how designated, etc.

Notice of meeting.

When inspectors may fix site.

NO SITE ESTABLISHED: It is only when the inhabitants cannot agree in establishing any site at all, that the inspectors are allowed to fix one.—*Address v. Inspectors, 19/332.*

TOWNSHIP BOARD: Powers and duties formerly given to school inspectors now vest in township board.

NOTICE: The amendment of 1905 requires that notice of intention to vote on a change of site must be given before the question may be passed on at an annual meeting.—*Calkins v. Rice, 170/234.* Insufficient notice.—*Id.*

(103) § 5717. SEC. 2. Whenever a site for a schoolhouse shall be designated, determined, established or enlarged in any manner provided by law, in any school district, and whenever a site for a schoolhouse shall be designated, determined, established or enlarged by resolution of any board of education of any city and such board of education or such school district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or for the land to enlarge the same, or in case such board of education or such district shall, by reason of any imperfection in the title to said site, or land to be added thereto, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title in fee simple to said site, or land for the enlargement thereof, the board of education or the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any

When compensation for site determined by jury.

justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, or for the enlargement thereof and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such board of education or by such district as accurately as is required in a conveyance of real estate: Provided, That whenever any school district shall have designated, selected or established in any manner provided by law and whenever the board of education of any city shall have designated, selected or established by resolution a schoolhouse site or land for the enlargement thereof such selection, designation or establishment shall be prima facie evidence to said jury of the necessity to use the site so established.

Proviso.

Smith v. Sch. Dist., 40/145. Proceedings to condemn land for a schoolhouse site will be quashed if there is no lawful designation thereof shown by the records.—Heck v. Sch. Dist., 49/551. For the constitutional questions involved in the taking of private property for public use, see Const., Art. XIII.

CONDEMNATION: The jurisdiction to condemn lands for a schoolhouse site is invoked by presenting to the proper officer a petition designating the site and showing disagreement with the owner as to compensation for it.—

When jury to be summoned.

(104) § 5718. SEC. 3. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in nowise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty nor more than fifty days from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, or for the enlargement thereof, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear as hereinbefore mentioned.

Owner to be notified.

Notice in case owner is unknown.

(105) § 5719. SEC. 4. Thirty days previous notice of the time when and the place where such jury will assemble shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, non compos mentis, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest

county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board or by the director or treasurer of such district, and shall describe the real estate required for such site, or for the enlargement thereof, and state the time when and place where such jury will assemble, and the object for which they will assemble; or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

(106) § 5720. SEC. 5. It shall be the duty of such judge, commissioner, or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or venire to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found; and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire, or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

Return of venire and proceedings thereon.

Attachment may issue to enforce obedience to process.

A party present, or represented, at the empaneling of the jury will be deemed to have waived all objections to the jury, if he makes none then.—*Smith v. School Dist.*, 40/143.

(107) § 5721. SEC. 6. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain and determine the just compensation to be made for the real estate required by such school district for such site, or for the enlargement thereof, and the necessity for using the same in the manner proposed by such school district; and the persons thus sworn shall constitute the jury in such case. Subpoenas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner or justice in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination

Jury to be sworn.

Subpoenas, witnesses.

What jury to ascertain.

and such other evidences as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing stating that it is necessary that said real estate, describing it, should be used as a site for a schoolhouse for such district, or to enlarge its existing site; also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and indorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director, or to any member of the district board of such school district.

Court to attach certificate.

Collection of judgment.

(108) § 5722. SEC. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

Smith v. Sch. Dist., 40/143. Mandamus will not lie to compel a circuit judge to overrule his finding that the proceedings taken for the condemnation of a site were irregular and to compel him to enter judgment for the amount found due.—Sch. Dist. v. Judge, 49/432.

When owner is unknown, etc., money to be deposited with county treasurer.

(109) § 5723. SEC. 8. In case the owner of such real estate shall be unknown, insane, non compos mentis, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same, as herein required: Provided, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

Proviso, how money to be drawn from county treasurer.

(110) § 5724. SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, or for such addition to its site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate; a copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its successors and assigns in fee.

When title to be vested in district.

111) § 5725. SEC. 10. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said district. And it shall be the duty of the county clerk of said county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of said county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

When district to take possession.

Writ of possession to be issued by county clerk to sheriff.

Sheriff to remove respondent.

(112) § 5726. SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to. Such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

When jury disagrees.

Adjournments not to exceed three months.

Proceedings
in case
property is
encumbered.

(113) § 5727. SEC. 12. In case the said schoolhouse site, or land required to enlarge the same, is encumbered by mortgage, levy, tax sale, or otherwise, as aforesaid, the mortgagee, or other parties claiming to be interested in said title shall severally be made a party to the procedure as aforesaid, and shall be authorized upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to the said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

How money
deposited
with county
treasurer
may be
drawn.

(114) § 5728. SEC. 13. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein, indorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid by him.

Compensation
of officers,
etc., on
proceedings.

(115) § 5729. SEC. 14. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings. Jurors, constables, and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

When judge,
etc., unable
to attend,
another may
finish pro-
ceedings.

(116) § 5730. SEC. 15. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace may attend and finish said proceedings.

CHAPTER IX.

APPEALS FROM ACTION OF TOWNSHIP BOARD.

(117) § 5731. SECTION 1. Whenever any five or more tax paying electors having taxable property within any school district shall feel themselves aggrieved by any action, order or decision of the township board or joint boards with reference to the formation or any division or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said board, appeal from such action, order or decision of said board to the county commissioner of schools and a circuit court commissioner of the county in which such school district is situated. The county commissioner of schools and circuit court commissioner shall constitute a board of appeals for all such cases and shall be entitled to the usual fees provided by statute for circuit court commissioner. When an appeal shall be filed with the board of appeals herein provided for, said board shall serve notice on the clerk of the township board or the clerks of the joint boards who have made the decision appealed from, and said clerk or clerks shall notify the several members of such board of such appeal. The notice to the clerk and township board shall state the day and hour when such appeal will be heard, and it shall be the duty of said board of appeals to review, confirm, set aside or amend the action, order or decision of the township board or boards thus appealed from; or if in its opinion the appeal is frivolous or without sufficient cause it may summarily dismiss the same.

Appeal, how taken from action of township board.

Board of appeals, who to constitute.

Notice to township clerk, what to state.

ACTION OF INSPECTORS: The board of inspectors act in the exercise of a public discretionary power in creating or changing districts, which can be reviewed, if at all, only by some direct appellate process which operates upon the proceedings themselves to affirm, reverse or change them.—*Clement v. Everest*, 29/19.

APPEAL: *School Dist. v. Wilcox*, 48/404. When it seems an appeal could not be taken.—*Sch. Dist. v. Sch. Dist.*, 63/57-8.

CERTIORARI: The issuance of a writ of certiorari being largely discretionary, and not permissible to accomplish a palpable injustice, a writ issued to review the setting aside of the organization of a school district out of the territory of two others will be dismissed when each of the three districts as so organized would be financially unable to support a school without imposing upon the residents a greater burden than they are able to bear.—*Silver v. Hamilton Township Board*, 146/393.

(118) § 5732. SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of appeals a written statement, to be signed by said appellants, setting forth in general terms the action, order or decision of the township board with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the board of appeals, and shall also cause to be executed and signed by one of their number, and by two good

Appellants to file written statement.

Bond,
amount of.

and sufficient sureties to be approved by the board of appeals, a bond to the people of the state of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said board, and also in case of the dismissal of said appeal as frivolous by said board for the payment by said appellants of all costs occasioned by reason of said appeal.

BOND: The statute is positive in requiring the bond to be approved and it cannot be dispensed with.—*Clement v. Everest*, 29/21. The appeal is not complete without such approval.—*Id.*

Township
board, when
to file trans-
cript of pro-
ceedings, etc.

(119) § 5733. SEC. 3. Upon the filing of such appeal papers and bond with the said board of appeals and after notice by the board of appeals to the township board from whose decision appeal is taken, said township board shall within ten days thereafter make out and file with the said board of appeals a full and complete transcript of all its proceedings, actions, orders or decisions with reference to which the appeal is taken and of its records of the same; also said bond and appeal papers and all petitions and remonstrances, if any, with reference to the matters appealed from, and upon the filing of the same with said board of appeals the said board shall be deemed to be in possession of the case, and if the return be deemed by it insufficient the board may order a further and more complete return by said township board, and when such return shall by it be deemed sufficient it shall proceed with the consideration of the appeal at such time or times, within ten days after such return in such manner and under such affirmation, amendment or reversal of the action, order or decision of the township board appealed from, as in its judgment shall seem to be just and right; or if it deem the appeal to be frivolous it may summarily dismiss the same.

CHAPTER X.

GRADED SCHOOL DISTRICTS.

Organization
of graded
school
district.

Notice of
intent.

Board of
education.

(120) § 5734. SECTION 1. Any school district containing more than seventy-five children between the ages of five and twenty years, may, by a majority vote of the qualified voters present at any annual or special meeting, organize as a graded school district. The intention to submit the question of the organization of a graded school district shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot a board of education of five members, one member for the term of one year, two for the term of two years and two for a term of three years,

and annually thereafter a successor or successors to the member or members whose term of office shall expire. Any qualified voter in such district whose name appears upon the assessment roll at the time of such election and who is the owner in his own right of the property so assessed, shall be eligible to election or appointment to the office of member of the board of education. In the election of members of the board of education and all other school officers, the person receiving a majority of all the votes shall be declared elected: Provided, That all graded school districts organized prior to the year nineteen hundred seven shall operate after the passage of this act under the provisions of this act without reorganization: And provided also, That in all such districts the members of the board of education hereafter elected shall be elected under the provisions of this act.

Who eligible.

Majority elects.

Proviso.

Proviso.

Am. 1917, Act 15.

Simpkins v. Ward, 45/562.

CUSTODY OF RECORDS: The proceedings provided by statute, sections 9843-9851, C. L., 1897, 13554n-13562n, C. L. 1915 (chap 39, judicature act of 1915), to compel delivery of books and papers by a public officer to his successor, are not adapted to a determination of the rights of contestants to any office, but are merely appropriate for ascertaining whether a petitioner is prima facie such an officer as entitles him to possession of the books and papers of the office. After an adjudication of this question by a court of competent jurisdiction the defeated party can not review the judgment by certiorari and thereby defeat the object of the statute, but must resort to quo warranto or other proceedings appropriate to try title to an office.—Murta v. Carr 140 606.

GRADED SCHOOL DISTRICTS: The wisdom of the graded-school-district act was vindicated in Stuart v. Sch. Dist., 30/69, and its validity determined.—Keweenaw Ass'n v. Sch. Dist., 98/439. It is competent under the constitution to provide by taxation for free instruction in the higher departments of education, in union and high schools.—Stuart v. Sch. Dist., 30/69. Union and graded schools, whether organized under the general law or created by special enactment are subject to the general primary school law, except as otherwise provided in the law creating them.—People v. Detroit Board of Education, 18/411; Keweenaw Ass'n v. Sch. Dist., 98/442.

ALL OTHER OFFICERS: The term "all other school officers" includes the director, moderator and assessor of primary school districts, there being no others to whom it could refer, as the trustees are the only officers to be elected in graded school districts.—Cleveland v. Amy, 88/377.

LEGISLATIVE PROVISIONS: The constitution does not require an absolute uniformity in school districts throughout the state and the legislature has not so construed the constitutional provisions. Uniformity has not been kept up; graded schools have been established; boundaries of districts changed and fixed by the legislature; and the qualifications of electors at school meetings have been fixed, limiting the classes entitled to vote and providing exceptional methods of electing officers. The mayor of Grand Rapids is made a trustee and ex-officio member of the board of education; and being a trustee he is eligible to the office of president of the board. The president of the board has the veto power. The mayor of Alpena is president of the board, and the trustees elected constitute the board, and exercise all the powers and perform the duties of trustees. The mayor of Detroit, as ex-officio member of the board of education has the veto power, and this provision is constitutional.—Pingree v. Board of Education, 99/407-9. It is no new thing for the legislature to fix the boundaries of school districts. It is done by the charter of nearly every city or village in the state, and some of them go so far as to provide exceptional methods of electing officers and limiting the classes entitled to vote (citing Mudge v. Jones, 59/165).—Keweenaw Ass'n v. Sch. Dist., 98/441. And in Perrizo v. Kesler, 93/280, an act providing for the organization of school districts from entire townships was held valid.—Id. 442.

(121) § 5735. SEC. 2. Within ten days after his election, each member shall file with the secretary of the board an acceptance of the office to which he has been elected, accompanied by an affidavit setting forth the fact of eligibility as described in section one of this chapter. The board of education shall annually, and within fifteen days after the annual meeting, or within fifteen days after the organization

Acceptance of office.

Organization of board.

under this act, elect from its own number a president, a secretary and a treasurer, and for cause may remove the same from such offices and may appoint others of their number in such places, and these officers shall perform the duties prescribed by the general school law for the moderator, director and treasurer of the district, except as hereinafter provided.

Vacancies. The board of education shall have power to fill any vacancy that may occur in its number until the next annual meeting, and if three vacancies occur at the same time a special meeting of the district shall be called to elect members of the board to fill such places. Within thirty days after his appointment, the treasurer of the board shall file with the secretary an official bond in such an amount and form as may be determined by said board. Said bond may be either personal or of some surety company authorized to do business in this state, and it shall be given for a sum not less than the greatest amount of money that the treasurer may have in his possession or under his control at any time during his term of office, as near as the same can be determined. When a personal bond is given it shall be signed by not less than two sureties, each of whom shall justify under oath to the full amount of the bond. If a surety bond is required and purchased, it may be at the expense of the district. Whenever, in any case, the board of education shall fail or neglect to elect the officers of the board named in this section within fifteen days next after the annual meeting, or after the organization of the district, the township board or the common council of any city within which said district is located shall appoint the said officers from the members of the board.

VACANCIES—COSTS: The minority of a school board have no authority to commence an action in its name, and, if they do so, they will be individually responsible for the costs.—*Johnston v. Mitchell*, 120/389.

(122) § 5736. SEC. 3. It shall be the duty of the board of education in any graded school district:

First, To determine the course of study to be pursued and to cause the pupils attending school in such district to be taught in such schools or departments as they may deem expedient;

Second, To establish in such district a high school, when directed by a vote of the district at any annual or special meeting, and to determine the qualifications for admission to such high school and the fees to be paid for tuition by non-resident students: Provided, That when non-resident students, their parents or legal guardians shall pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition, and they shall only be required to pay tuition for the difference between the amount of the tax and the amount charged for tuition;

Third, To audit and order the payment of all accounts of the secretary for incidentals or other expenses incurred by him in the discharge of his duties; but not more than one

hundred dollars shall be expended by the secretary in one year for repairs of buildings or appurtenances of the district property or for necessary appendages without the authority of the board of education;

Fourth, To estimate and vote the amount of tax necessary, in addition to other school funds, for teachers' wages, fuel and incidental expenses, for the ensuing year, and when the voters fail or neglect to vote the same, to estimate and vote the amount of tax necessary for salaries of officers and servants, and when such tax has been voted by the board of education it shall be reported to the assessing officer in the same manner as other taxes of the district are reported;

To estimate and vote amount of tax.

Fifth, In all villages and cities organized as graded school districts under the provisions of this act, in which districts six or more teachers are employed, to employ a superintendent of schools who shall be the holder of at least a state life certificate or a normal school diploma, or who shall have educational qualifications equivalent thereto, and said superintendent shall have the following duties:

To employ superintendent of schools.

(1) To recommend in writing all teachers necessary for the schools, and to suspend any teacher for cause until the board of education, or a committee of such board, may consider such suspension;

Duties of superintendent.

(2) To classify and control the promotion of pupils;

(3) To recommend to the board the best methods of arranging the course of study and the proper text-books to be used;

(4) To make reports in writing to the board of education and to the superintendent of public instruction annually or oftener if required, in regard to all matters pertaining to the educational interests of the district;

(e) To supervise and direct the work of the teachers;

(f) To assist the board in all matters pertaining to the general welfare of the school and to perform such other duties as the board may determine.

Sixth, To employ all legally qualified teachers necessary for the several schools upon recommendation of the superintendent, and to determine the amount of their compensation, and to require the secretary and president to make contracts with the same on behalf of the district in accordance with the provisions of law governing contracts with teachers: Provided, That the board of education may employ a teacher not recommended by the superintendent, or may reinstate a teacher suspended by the superintendent;

To employ teachers, determine salary of, etc.

Proviso.

Seventh, To employ such other officers and servants as may be necessary for the management of the schools and school property, and to prescribe their duties and fix their compensation;

To employ other officers.

Eighth, To perform such other duties as are required of district boards in other school districts, or as may be necessary to the general welfare of the school and district.

Other duties of board.

FIRST: To classify and grade.—*People v. Detroit Bd. of Ed.*, 18/412. Under our system it is common and convenient to have the various grades in one building and there is nothing illegal in it.—*Hathaway v. New Baltimore*, 48/255. The authority to classify and grade the pupils and prescribe the course of studies confers the power to provide for teaching music and to purchase a piano for such purpose.—*Knabe v. Board of Education*, 67/262.

FOURTH: A contract with a qualified teacher, made pursuant to a resolution adopted by a majority of the trustees and signed by the moderator and assessor and one of the trustees, is valid though not signed by the director.—*Farrell v. Sch. Dist.*, 98/43 (citing *Crane v. Sch. Dist.*, 61/299). The board has power to employ a qualified teacher for the ensuing year prior to the annual school meeting.—*Id.* (Citing *Tappan v. Sch. Dist.*, 44/500; *Cleveland v. Amy*, 88/374). The power to employ teachers conferred upon the district boards of primary schools is co-extensive with that conferred upon the boards of trustees of graded schools.—*Cleveland v. Amy*, 88/376. Teachers in graded schools are required to have certificates in the same manner as teachers in primary schools; but a person employed by the board to superintend and manage the schools need not be a teacher nor have a teacher's certificate.—*Davis v. Sch. Dist.*, 81/214. The trustees are empowered to employ all teachers necessary, and what teachers are necessary is left to be decided by their sound discretion.—*Tappan v. Sch. Dist.*, 44/502.

FIFTH: The power to appoint a superintendent of schools is incident to the full control which by law the board has over the schools.—*Stuart v. Sch. Dist.*, 30/85. Qualification of superintendents, see *Davis v. Sch. Dist.*, 81/219-20.

SIXTH: A contract between a teacher and a graded school district is invalid, unless a teacher, at the time of making the contract, has the certificate required by section 290, authorizing her to teach during the term covered by the contract; obtaining a certificate after the making of the contract, and before commencement of school, is not a compliance with the statute.—*McCloskey v. Sch. Dist.*, 134/235.

Altering boundaries of graded school district.

Proviso, appeal.

Bond, amount, etc.

Probate judge to review action.

(123) § 5737. SEC. 4. No alterations shall be made in the boundaries of any graded school district without the consent of a majority of the trustees of said district, which consent shall be spread upon the record of the district, and placed on file in the office of the clerk of the township or city to which the reports of said district are made: Provided, however, That any three or more taxpaying electors having children between the ages of five and twelve years, feeling themselves aggrieved by any action, order or decision of the board of trustees with reference to the alteration of said school district affecting their interests, may, at any time within sixty days from the time of such action on the part of said board of trustees, appeal from such action, order or decision of such board of school trustees to the judge of probate of the county in which such schoolhouse is situated in the same manner, as nearly as may be, as appeals from the action of the township board, as provided by chapter nine of this act. Said appellants shall file a bond with said judge of probate, with sufficient sureties to be approved by said judge of probate, in the penal sum of not exceeding two hundred dollars in the discretion of the judge of probate, indemnifying said school district of any and all costs made on such appeal in case the appellants shall not prevail therein. Whereupon said judge of probate shall be empowered to entertain such appeal, and review, confirm or set aside or amend the action of the board of the trustees appealed from.

Am. 1919, Act 351.

NO ALTERATION: *People v. Ryan*, 19/207; *Simpkins v. Ward*, 45/559; *Burnett v. Inspectors*, 97/103. Addition of territory by legislative action.—*Keweenaw Ass'n v. Sch. Dist.*, 98/439-41.

(24) § 5738. SEC. 5. Whenever two or more contiguous districts, having together more than one hundred children between the ages of five and twenty years, after having published in the notices of the annual meetings of each district the intention to take such action, shall severally, by a vote of a majority of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing a graded school district under the provisions of this chapter, the township board of the township or townships in which such districts may be situated shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint as soon as practicable a time and place for a meeting of the new district, and shall require three notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section one of this chapter, and may do whatever business may be done at any annual meeting.

Graded school district, certain districts may unite for.

Township board, duty of.

Notices, posting of.

Board of trustees, election of.

Burton v. Koch, 164/253.

(125) § 5739. SEC. 6. Whenever the trustees of any organized graded school district shall be presented twenty days before the annual meeting thereof with a petition signed by ten voters of said district, stating that it is the desire of said petitioners that at the annual meeting of said school district there shall be submitted to said annual meeting the proposition to change from a graded school district to one or more primary school districts, the said trustees shall, in their notice of such annual meeting, state that the proposition set forth in said petition will be presented to said meeting, and if two-thirds of the qualified voters present at said meeting shall vote to change to one or more primary school districts such change shall be made, and it shall be the duty of the township board of the township or townships in which such district is situated, upon being duly notified of such vote, to proceed to change or divide such district as determined by such annual meeting, and they shall provide for the holding of the first meeting in the, or each of the, proposed primary school districts in the same manner as is provided for by law for the organization of primary school districts, and whenever a fractional graded school district shall be so changed, the township boards of the respective townships where such graded school district is situated shall organize the said district into one or more primary school districts, as provided for by law.

Primary school districts, when may change to.

Township board, duty of.

First meeting.

Fractional districts.

CHAPTER XI.

LIBRARIES.

Who
may
maintain.

Proviso,
abandonment.

Further
proviso, in
case of
legal action.

Further
proviso,
township
school
district.

Who are
entitled to
privileges
of library.

Proviso.

Township
library, who
to have
charge of,
etc.

(126) § 5740. SECTION 1. A library may be maintained in each organized township or city which shall be the property of the township or city and under the control of the township board of said township or the board of education of the village or city. All actions relating to such library or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the township or city: Provided, That if in the judgment of said township board the people of said township will be better served by disposing of said library to the several school districts of the township, said board shall have authority to take such action, or the said board may authorize the merging of the township library into a free public library in accordance with the statutes authorizing the establishment of such free public libraries, and after such merging the free public library so established shall receive all the books of the former township library, and the township library shall be considered abandoned: Provided further, That when any legal action is taken or becomes necessary concerning the township library the township clerk shall represent the township in all actions concerning said library: Provided further, That when any township has already been organized as a township school district or shall hereafter be organized as a township school district, the control of the township library shall pass from the township board to the board of education of such township, and all rights, powers and duties heretofore exercised by the said township board or the members thereof shall be thereafter exercised and performed by the township board of education through the proper officers.

(127) § 5741. SEC. 2. All persons who are residents of the township shall be entitled to the privileges of the township library, subject to such rules and regulations as may be lawfully established in relation thereto: Provided, That persons residing within the boundaries of any school district in which a district library has been established shall be entitled to the privileges of such district library only.

(128) § 5742. SEC. 3. The township board shall have charge of the township library and the township treasurer shall apply for and receive from proper authorities all moneys appropriated for the township library and shall keep a separate account of such funds. The township treasurer shall pay out such library moneys on the order of the township clerk, countersigned by the supervisor. The township board shall purchase books and procure the necessary appendages

for the township library: Provided, That when the township library shall pass to the control of the township board of education, the township treasurer shall continue to apply for and receive all library moneys and pay them over to the treasurer of the board of education upon proper warrant of the township district. In villages or cities the treasurer of the board of education shall apply for and receive all moneys apportioned or appropriated for libraries and shall disburse such funds in the same manner as other educational funds.

Proviso,
passing of
control to
board of
education.

Cities or
villages.

(129) § 5743. SEC. 4. Said board shall be held accountable for the proper care and preservation of the township library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, to assess and collect fines and penalties for the loss or injury of said books, and to establish all other needful rules and regulations for the management of the library, as said board shall deem proper, or the superintendent of public instruction may advise.

Who
accountable
for care, etc.,
of library.

(130) § 5744. SEC. 5. The township board shall cause the township library to be kept at some central and suitable place in the township which it shall determine. Said board shall also, within ten days after the annual township meeting, appoint a librarian for the term of one year to have the care and superintendence of said library, and such librarian shall be responsible to the township board for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

Township
library, where
kept.

Librarian,
appointment,
term, etc.

(131) § 5745. SEC. 6. Any school district, by a majority vote at an annual or special meeting, may establish a school district library, due notice of said action to be stated on the annual or special meeting notice, and such district shall be entitled to its just proportion of books from the library of any township in which it is wholly or in part situated, to be added to the district library, and also to its equitable share of any library moneys remaining unexpended in any such township or townships at the time of the establishment of such district library or that shall thereafter be raised by tax in such township or townships or that shall thereafter be apportioned to the township for library purposes.

School
district
library,
how may
be estab-
lished, etc.

Share of
books and
money.

(132) § 5746. SEC. 7. The district board of any school district or the board of education of any township school district, village or city in which a library may be established in accordance with the provisions of this act, shall have charge of such library and provide the necessary conveniences for the proper care of such library, and said board shall be responsible for and shall use all moneys raised or apportioned for its support in accordance with the provisions of law.

Library,
who to
have charge
of, etc.

Libraries are within the proper range of school apparatus; and there is nothing in our laws which cuts off public corporations from accepting benevolent offerings to enable them to extend their usefulness and benefit their people, by enlarging their opportunities for culture and refinement without multiplying or increasing their burdens.—Maynard v. Woodard, 36/425, 427.

Township clerk to report annually.

Director, report of, what to include.

Failure to report.

Forfeiture of library moneys.

Annual statement of townships, etc., entitled to library money.

Statement and copy, to whom furnished.

Certain fines.

When applied to support of libraries.

(133) § 5747. SEC. 8. The township clerk shall give in his annual report to the superintendent of public instruction such facts and statistics relative to the management of the township library and the library moneys thereof as said superintendent of public instruction shall direct, and the district board or board of education of any district, village or city having a library shall give in the annual report of the director or secretary such facts and statistics relative to the library as the state superintendent of public instruction may direct, and where school officers report to the township clerk they shall include similar information in said report to said clerk.

(134) § 5748. SEC. 9. In case the township board of any township, or the district board of any school district, or the board of education of any village, city or township, shall fail to make the reports required by this act, or in case it shall appear that any township or school district or township district, village or city has failed to use the library money in strict accordance with the provisions of law, such township or district or township district, village or city shall forfeit its share of the library moneys that are apportioned for the ensuing year and such money shall be apportioned to other township districts, villages or cities in the county as hereinafter provided.

(135) § 5749. SEC. 10. The superintendent of public instruction shall annually, and previous to the fifteenth day of July transmit to the clerk of each county a statement of the townships, districts, township districts, villages and cities in his county that are entitled to receive library moneys, giving the number of children in each case between the ages of five and twenty years as shall appear from the annual reports of such townships, districts, township districts, villages or cities for the school year last ending. Said clerk shall file such statement in his office and shall forthwith furnish a copy thereof to the county treasurer. The state superintendent shall also furnish a copy of such statements to the township clerks or city clerks in each county.

(136) § 5750. SEC. 11. The proceeds of all fines for any breach of the penal laws of this state, when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines and not already apportioned, shall be apportioned by the county treasurer in accordance with the directions of the superintendent of public instruction, as provided in the preceding section, before the first day of August in each year among the several townships, districts, township districts, villages and cities in the county, which money when received by the proper authorities shall be exclusively applied to the support of township, district, township district, village and city libraries and to no other purposes.

(137) § 5751. SEC. 12. The qualified voters of each township shall have power at any annual township meeting, to vote a tax for the support of libraries established in accordance with the provisions of this act, and the qualified voters of any school district, in which a district library shall be established, shall have power, at any annual meeting of such district, to vote a district tax for the support of said district library. When any tax authorized by this section shall have been voted, it shall be reported to the supervisor, levied, and collected in the same manner as other township and school district taxes.

Voters may levy tax for support of libraries.

How tax to be reported, assessed and collected.

(138) § 5752. SEC. 13. The district board or board of education of any school district may donate or sell any library book or books belonging to such district to the township board, where there is a township library or to the city library in cities, and such books shall thereafter form a part of the township or city library.

Books, sale or donation of.

CHAPTER XIII.

PENALTIES AND LIABILITIES.

(139) § 5753. SECTION 1. Any taxable inhabitant of a newly formed district receiving the notice of the first meeting, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined on him in this act, shall respectively forfeit the sum of five dollars.

Penalty on inhabitant for neglect of duty.

(140) § 5754. SEC. 2. Any person duly elected to the office of moderator, director, treasurer, or trustee of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on district officer for neglecting or refusing to perform duties.

Sec. 3 was repealed by Act 32, P. A. 1909.

Hinman v. Sch. District, 4/170.

If the district, by an officer's wilful act or neglect of duty, is subjected to suit or judgment, the district in its corporate capacity must recover the amount, but individual citizens, who have been taxed to satisfy the judgment, cannot recover their taxes from such officer.—*Wall v. Eastman*, 1/268.

(141) § 5755. SEC. 4. If any township clerk shall neglect or refuse to make out and transmit the annual report containing the reports of the several school districts of his township or any other report which the law may require of him, within the time limited therefor, he shall be liable to pay the full amount lost by the township or any district or districts by such neglect or refusal, with interest thereon, to be recovered in an action of debt or on the case.

Township clerk, liability of, for failure to report.

County clerk or commissioner, liability of, for failure to report.

(142) § 5756. SEC. 5. Any county clerk or county commissioner of schools who shall neglect or refuse to transmit to the superintendent of public instruction the reports required by this act or any other reports which the law may require, within the time limited therefor, shall be liable to pay to each township, village or city the full amount which such township or any school district, village or city therein shall lose by such neglect or refusal, with interest thereon to be recovered in an action of debt or on the case.

How moneys collected on account of neglect, disposed of.

(143) § 5757. SEC. 6. All the moneys collected or received by any township treasurer under the provisions of either of the two last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this act, have been apportioned and distributed.

Liability of township clerk and supervisor in regard to district taxes.

(144) § 5758. SEC. 7. Any township clerk who shall neglect or refuse to certify to the supervisor any school district taxes that have been reported to him as required by this act, and any supervisor wilfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the treasurer in the name of the district, in an action of debt, or on the case.

Section 8 was repealed by Act 402 of 1913. It related to the removal of district officers by the township board.

School officers and teachers not to act as school book agents, etc.

(145) § 5759. SEC. 9. No school officer, superintendent, or teacher of schools, shall act as agent for any author, publisher, or seller of school books, or shall directly or indirectly receive any gift or reward for his influence in recommending the purchase or use of any library or school book or school apparatus, or furniture whatever, nor shall any school officer be personally interested in any way whatever in any contract with the district in which he may hold office. Any act or neglect herein prohibited, performed by any such officer, superintendent, or teacher, shall be deemed a misdemeanor.

School officers not to be interested in contracts in certain cases.

(146) § 5760. SEC. 10. All provisions of this act shall apply and be in force in every school district, township, city and village in this state, except such as may be inconsistent with the direct provisions of some special enactment of the legislature.

Where this act shall apply.

Johnston v. Mitchell, 120/589; Detroit Bd. of Education v. Moross, 151/625; Burton v. Koch, 184/253.

FREE PUBLIC LIBRARIES.

An Act to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes.

[Act 261, P. A. 1913.]

The People of the State of Michigan enact:

(147) § 5836. SECTION 1. Boards of education in cities where free public libraries are under control of such boards of education by reason of existing charters or otherwise, from and after the passage of this act are hereby authorized and empowered to include in their annual estimate a sum or sums sufficient to properly care for and defray the expense of maintenance and to purchase new books required for such libraries.

Boards of education, authority of, etc.

(148) § 5837. SEC. 2. Boards of education in cities having the control of free public libraries by reason of existing charters or otherwise are hereby authorized and empowered to raise money, either by including the amount in their annual estimates, or to borrow same on the faith and credit of said school district, and to issue certificates or bonds to secure the payment of the sums borrowed; sufficient to purchase property for a site and to provide the money necessary to erect, equip and maintain buildings for a free public library and other educational uses: Provided, That when any bond issue shall be provided for under the terms of this act such bonds shall not be issued for a period of more than ten years. No bonds provided for in this act shall be issued until issuance of same shall have been submitted to the electors of the district affected and approved by a majority of the electors voting thereon.

To issue certificates or bonds.

Proviso.

Referendum.

Section 3 repeals all contravening acts.

An Act authorizing organized townships and incorporated villages in the state of Michigan to borrow money and to issue bonds therefor for the purpose of establishing free public libraries, purchasing sites and constructing buildings thereon.

[Act 5, P. A. 1917.]

The People of the State of Michigan enact:

(149) SECTION 1. The township board of any organized township and the village council, or board of trustees, of any incorporated village in the state of Michigan are hereby authorized and empowered, upon an application signed by not less than twenty-five qualified electors of such township or

When bond issue authorized.

incorporated village being first filed with the said township board, village council, or board of trustees, as the case may be, to borrow a sum of money, not exceeding one per cent of the assessed valuation of such township, or incorporated village, on the faith and credit of such township, or incorporated village, and to issue the bond, or bonds of such township, or incorporated village, therefor; the money so borrowed to be used for the purpose of establishing a free public library, for purchasing a site for the same or constructing buildings thereon: Provided, That a majority of the voters of such township, or incorporated village, voting thereon at a township meeting, a general election, or at a special election called by the township board, or at a general or special election called by the village council, or board of trustees, for that purpose, shall vote in favor thereof.

Proviso,
vote required.

When
submitted.

Notice.

What to state.

Form of
ballot.

(150) SEC. 2. The question of issuing the bonds, provided for in section one of this act, shall be submitted to the legal voters of such township, or incorporated village, by the township board, the village council or board of trustees, within thirty days after the filing of the application mentioned in section one, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices to be posted in five public places in such township, or incorporated village, at least ten days before the time fixed by said board for such election, and by publishing the same in at least one newspaper published in said township, or incorporated village, or if none be published in said township, or incorporated village, then in some newspaper published in the same county, which is circulated in such township or incorporated village, at least two weeks before the time of such election. Such notice shall state the amount of money proposed to be raised by such bonding, and the purpose or purposes to which it shall be applied.

(151) SEC. 3. The vote upon such proposition shall be by printed ballot, and such ballots shall be in the following form:

“For the issuing of bonds to (Purpose) Yes [].”

“For the issuing of bonds to (Purpose) No [].”

The election shall be conducted and the votes canvassed in all respects, as in other township or village elections.

Bonds,
how issued.

(152) SEC. 4. If at such election a majority of such qualified electors present thereat and voting upon said proposition shall vote in favor of such loan, such bonds shall be issued by the township board of the township or the village council or board of trustees of the village, as the case may be, in denominations not exceeding one thousand dollars each, at a rate of interest not exceeding five per centum per annum, and for a period not exceeding twenty-five years, as the said township board, or the said common council, or board of trustees, by resolution, shall direct. Said bond, or bonds, issued by a township board, shall be signed by the members

How signed.

of the said township board and countersigned by the township treasurer, and when issued by a village council shall be signed by the president and clerk of said village and countersigned by the village treasurer. Said bond, or bonds, shall be negotiated by and under the direction of said township board, or common council, or board of trustees of incorporated village, to raise in each year by tax upon the taxable property of such township, or incorporated village, such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due.

How negotiated.

(153) SEC. 5. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

(154) SEC. 6. It is hereby declared that this act is immediately necessary for the public health, peace and safety.

An Act to authorize the issue of bonds; to provide sites for and for the erection thereon of public libraries and for additions to and improvements of such sites and the buildings thereon, whether now existing or hereafter acquired, in cities, villages and school districts where free public libraries have or may hereafter be established.

[Act 305, P. A. 1919.]

The People of the State of Michigan enact:

(155) SECTION 1. The legislative body of any city, village or school district where free public libraries have been, or may hereafter be established, is hereby authorized upon the application of the local library board, or commission or body duly authorized by law to maintain free public libraries in such city, village or school district to borrow a sum of money upon the faith and credit of such city, village or school district not exceeding one-fourth of one per centum of the assessed valuation of such city, village or school district to provide sites for, and for the erection thereon, of free public library buildings and for additions to and improvements of such sites and the buildings thereon now existing or hereafter acquired and to issue the bond or bonds of such city, village or school district therefor: Provided, That wherever library bonds have heretofore been issued or authorized said bonds shall be included in the limitation of one-fourth of one per centum of the assessed valuation: And provided further, That such bonds hereafter issued shall be in addition to all other indebtedness which the city, village or school district is or may be authorized to incur for purposes other than library purposes.

Free public libraries maintained.

Proviso, previous bond issues.

Further proviso.

(156) SEC. 2. Said bonds shall be denominated "public library bonds of the city, village or school district number of....." shall be regularly dated and

How denominated.

How issued, etc.	<p>numbered in the order of their issue, shall be for sums of not less than one hundred dollars each, shall bear interest not exceeding five per centum per annum and shall be payable within such time from the date of issue, as the local legislative body of such city, village or school district may determine. They shall be issued under the seal of the city or village, signed by the mayor thereof and countersigned by the controller or like financial officer of said city, or in case of school districts, the chairman of the school board. Said bonds shall not be negotiated at less than their par value.</p>
Approval of issues.	<p>(157) SEC. 3. No bonds shall be issued under this act unless such issue has been approved by both the local legislative body and by that body to whom is entrusted the management of the local library system and upon such concurrent approval the legislative body of said city, village or school district shall thereupon proceed to issue and negotiate the sale of said bonds.</p>
Sinking fund.	<p>(158) SEC. 4. The local legislative body of such city, village or school district shall provide a sinking fund for the redemption of the bonds issued under the provisions of this act to which end it shall be its duty to raise by taxation, each year, upon the property assessed for city, village or school district purposes, such sum as shall be sufficient to make said sinking fund adequate at the maturity of the bonds, to pay the same and the moneys so raised shall be used for no other purpose. The principal realized from the sale of said bonds shall be deposited with the treasurer of said city, village or school district and credited to a public library fund for the purposes hereinbefore mentioned and shall be used for said purposes only. The premium and accrued interest of said bonds shall be credited to the sinking fund of said city, village or school district.</p>
Premium, etc., where credited.	<p>(159) SEC. 5. It shall be the duty of the local board entrusted with the management of the local library system, to include in its budget each year, an item of the amount necessary to be raised each year for the sinking fund and an item for the amount necessary to be raised each year for the interest on said bonds and said items shall be allowed by the local body or officer whose duty it is to determine the amount to be raised by taxation for said city, village or school district. Said items shall be in addition to the amount which may be annually raised by taxation for all other purposes.</p>
Budget, what to include.	

An Act to authorize the creation of county libraries or the contracting by the board of supervisors of any county, libraries for their free use within the county.

[Act 13S, P. A. 1917.]

The People of the State of Michigan enact:

(160) SECTION 1. The board of supervisors of any county shall have the power to establish a public library free for the use of inhabitants of such county or they may contract for the use for such purposes of a public library already established within the county or with the body having control of such library to furnish library privileges to the people of the county under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such privileges under such contract or the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax of not more than one-half mill on the dollar of the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund.

Supervisors may establish, etc.

(161) SEC. 2. For the purpose of administering the county library fund in case a county library is established, there shall be a library board consisting of five members,—the county commissioner of schools and four other members to be appointed by the board of supervisors, the commissioner to hold ex-officio during his term of office, the other members to be appointed for terms of four years each, except that the first members shall be appointed for one, two, three and four years, respectively.

Library board, who to compose.

(162) SEC. 3. In case a contract shall be made with an existing library, the county library fund shall be administered by the board or body having charge and control of said existing library and there shall be an advisory board, consisting of three members,—the county superintendent of schools ex-officio and two additional members to be appointed by the board of supervisors whose terms of office shall be two years and until their successors are appointed. The duty of this board shall be to advise and consult with the board controlling said library with regard to selection of books, location of branch libraries and other subjects relating to the proper management of the county library and its fund.

Existing library.

(163) SEC. 4. Said fund shall be paid by the county treasurer upon the order or warrants of said library board in case of the establishing of a county library; in event of contracting with an existing library, it shall be paid upon orders issued by the board or body controlling such library through its president or chairman and secretary.

Fund, how paid.

An Act to provide for a board of education for cities having a population of two hundred fifty thousand or over and comprising a single school district; to fix their terms of office, and the manner of the nomination and election of the members thereof.

[Act 251, P. A. 1913.]

The People of the State of Michigan enact:

Inspectors,
when and by
whom elected.

(164) § 5867. SECTION 1. The board of education of any city having a population of two hundred fifty thousand or over which comprises a single school district shall consist of seven school inspectors who shall be elected at large by the electors of the whole city qualified to vote for school inspectors in such municipality at the next spring election when judges of the supreme court are required to be elected. Two inspectors shall be elected to serve for two years; two inspectors shall be elected to serve for four years, and three inspectors shall be elected to serve for six years; thereafter at the next like election immediately preceding the expiration of their respective terms of office their successors shall be elected to serve for six years. The terms of office of each inspector shall commence on the first day of July following his or her election. The names of all candidates who have been duly nominated as herein provided shall be placed upon a separate ballot at the election for school inspectors and without their party affiliations designated. The candidate or candidates for the positions or places to be filled having the greatest number of votes shall be declared elected.

Terms of
office.

Names on
separate
ballot.

CONSTITUTIONALITY: This act is valid. It is a general law based upon a classification of the school districts of the state, according to population.—Burton v. Koch, 184/255.

Nomination,
election.

(165) § 5868. SEC. 2. The nomination and election of inspectors, except as herein provided, shall be conducted as near as may be as now provided by law for the nomination and election of the city officers in the particular municipality concerned, and all women who are legally qualified electors shall be permitted to vote for all nominations for the office of school inspector.

Section 3 repeals all contravening acts.

Referendum.

(166) § 5870. SEC. 4. The provisions of this act shall not take effect in such city which comprises a single school district until approved by a majority of the electors having qualifications to vote at elections for school inspectors, voting thereon, in such city, at the next general election held after the government census shows such city has two hundred fifty thousand inhabitants or more. The vote upon the question shall be by ballot which shall be in substantially the following form:

Form of
ballot.

Vote on proposition to adopt the act providing for reduction in membership of the board of education and their election at large.

Make a cross in the appropriate square below.

Shall the act providing for reduction in membership of the board of education and their election at large be adopted. Yes. [];

Shall the act providing for reduction in membership of the board of education and their election at large be adopted. No. [].

Such ballots shall be furnished by the city board of election commissioners and shall be deposited in a ballot box provided for that purpose in each voting precinct. Such ballots shall be cast, canvassed and the results thereof certified to in the same manner as are ballots cast upon the question of the adoption or rejection of a constitutional amendment. If a majority of the qualified electors of the city, voting thereon shall vote in favor of the adoption of this act then the provisions hereof shall be in full force and effect in such city and not otherwise.

Canvass.

REFERENDUM: The referendum was unnecessary because the act is not local in character.—Burton v. Koch, 184/262.

Act to provide for the organization of school districts in cities having a population of over one hundred thousand and less than two hundred fifty thousand inhabitants; to provide for a board of education for such districts; and prescribing the powers and duties of such board.

[Act 141, P. A. 1917.]

The People of the State of Michigan enact:

(167) SECTION 1. Each city having a population of more than one hundred thousand and less than [than] two hundred fifty thousand inhabitants, shall constitute and be one school district and be known as the "School District of the City of _____." If, at the time this act takes effect in any city, there shall be in existence within the limits of the city more than one school district or parts of more than one school district, then, from the taking effect of this act in that city, the school districts, or parts of districts, within the limits of the city shall constitute and be the "School District of the City of _____," and shall be under the jurisdiction of the board of education herein provided for.

Certain cities to constitute single school district.

(168) SEC 2. If no division of a school district is caused by the taking effect of this act in any city, all school property shall vest in and be the property of the city district, and such district shall be liable for and shall pay all indebtedness of the district or districts formerly existing within its limits.

Property of city district.

(169) SEC. 3. If by reason of the taking effect of this act in any city, a school district, or districts, shall be divided, the school property within the city (except cash and taxes levied but uncollected) shall vest in and be the property of

When school district divided.

the city district. The cash, taxes levied and uncollected, and district indebtedness shall be divided between the former school districts and the city district in proportion as the relative values of the taxable property left without and brought within the city district by this act bear to the aggregated value of the taxable property in the entire districts affected, before the division, as determined by the last preceding assessment roll. Each district affected hereby shall be liable for and shall pay its proportion of such indebtedness.

When city
annexes
territory.

(170) SEC. 4. If, after the taking effect of this act in any city, territory shall be annexed to the city pursuant to law, such territory, by such annexation, shall become and be part of the school district of that city. If by such annexation no school district is divided, the property of any school district so annexed shall vest in and be the property of the city district, and the city district shall be liable for and shall pay all indebtedness of any school district so annexed. If by such annexation any school district is divided, the property, cash, taxes levied and uncollected, and indebtedness of the divided district shall vest and be divided as is herein in similar case provided in section three.

When
effective.

(171) SEC. 5. This act shall be in force in all cities having the requisite population according to the United States census of nineteen hundred ten at the date of the taking effect of this act, and shall be in force in all cities thereafter attaining the requisite population, as soon as the governor (having first ascertained by United States census or by official estimate of the United States census bureau that the city has the requisite population) shall so proclaim. The first election of members of the board of education hereunder shall occur at the first city charter election held after the taking effect of this act in any city. The first board shall meet and organize on the first Monday in May following such election. Until such first Monday in May the laws theretofore governing the schools shall continue in force and shall govern the administration of the schools of such city. The term of office of all school trustees elected under laws theretofore governing in such cities shall expire upon the organization of the new board, their election for a longer term to the contrary notwithstanding.

First board
of education,
election of.

General law
to govern.

(172) SEC. 6. School districts in cities affected by this act shall be governed in all respects not herein specially provided for, by the general school laws of the state from time to time in force.

Membership
of board.

(173) SEC. 7. The board of education shall consist of nine members elected from the city at large. The term of office shall commence on the first Monday of May in each year and continue until a successor is elected and qualified. The first board at its first meeting shall, by lot, determine which three of its members shall serve one year, which three shall serve two years, and which three shall serve three years, and their

terms shall be accordingly: Provided, That the members of the board of education elected prior to the adoption of this act shall continue in office until the expiration of the respective terms for which they were elected, and with the new members elected at the first election under this act shall constitute the first board of education hereunder. At the time of each annual city charter election thereafter, members of the board shall be chosen to fill the positions of those whose terms are about to expire. Three years shall be the term of each member chosen after the first election. Proviso.

(174) SEC. 8. Any qualified school elector of the city shall be eligible to be chosen as a board member, and, if duly registered shall be qualified to vote for board members at such election. The qualifications of school electors shall be as determined by general law. Nominations for board members shall be by petition signed by not less than one hundred qualified school electors of the city, which petition shall be filed with the city clerk at least fifteen days before election. No petition which does not have such number of such signatures shall constitute a valid nomination. At the same time and in the same general manner provided with reference to city charter elections, the proper officials shall prepare and have printed an official ballot on which shall be placed the names of all who have been nominated for members of said board. In printing, the names shall first be arranged alphabetically and the first one hundred printed accordingly; then the name at the top shall be put at the bottom for printing the second one hundred, and a corresponding change shall be made in each succeeding one hundred printed. The election shall be by separate ballot in a separate box, but at the same time and place as the city charter election, and shall be conducted by the same inspectors, canvassed, reported, considered and treated as a part of such city charter election in all particulars not otherwise specified. Voting, or attempting to vote, for board members at such election by one not legally entitled to vote therefor, shall constitute the same offense and shall be prosecuted and punished in the same manner as casting, or attempting to cast, any illegal vote at the charter election. Who eligible.
Nominations.
Ballot.
Election.

(175) SEC. 9. No school elector not registered as provided herein shall be entitled or permitted to vote at elections for board members, excepting that votes may be sworn in as is permitted by law at a general election. The registration boards shall be provided with separate books for the registration of school electors. Before registering any name therein, the registration board shall be reasonably satisfied that the applicant for registration is a qualified school elector. Such registration shall, in all respects not herein specified, be conducted in the same manner as, and as part of, the registration required or provided for with reference to said elections. Unregistered elector may not vote.
Registration, how conducted.

Notice to
officials
elected.

(176) SEC. 10. The city clerk, within the time specified for serving notices upon officials elected at a municipal election, shall serve notice of his election upon each member of said board elected at said election. On the first Monday in May in each year the board shall organize for the ensuing year by electing its officers herein provided.

Vacancy,
how filled.

(177) SEC. 11. If any person elected fails to take oath of office within ten days after service of notice of his election, or if any member during his term shall die, become mentally incompetent, resign or lose residence in the district, a vacancy shall thereby exist, which shall be filled by election from such district by a majority of the remaining members of the board for the remainder of the current year, and at the next election the vacancy shall be filled by an election for the remainder of the term of the former member. If upon specific written charges filed with the secretary of the board, and after proper opportunity to be heard, any member of the board is by vote of two-thirds of the members thereof, found guilty of willful acts of misfeasance or nonfeasance in his office, he may be removed from his position by such two-thirds vote, whereupon a vacancy shall exist and be filled as above provided.

Body
corporate.

(178) SEC. 12. The said board of education shall be a body corporate under the name and style of "The Board of Education of the City of," and under that name may sue and be sued, and may take, hold, sell and convey real and personal property, including property received by gift, devise or bequest, as the interest of said schools and the property and welfare of said school district may require. The said board of education may take and hold real and personal property for the use of the public schools within and without its corporate limits and may sell and convey the same. The property of said board of education shall be exempt from taxation for all purposes except for special improvements. The board of education chosen pursuant to this act shall be the successor of any school corporation or corporations existing within the limits of such city or cities and shall be vested with the title to all property, real and personal, vested in the school corporations of which it is the successor. Said board of education shall be liable to pay the indebtedness and obligations of the school corporations of which it is the successor, in the manner and to the extent provided in this act. Said board of education shall have power to purchase all property, erect and maintain all buildings, purchase all personal property, employ and pay all persons, and do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the public schools of the city and for the protection of other property of the district, and it shall have authority to adopt by-laws, rules and regulations for its own government and for the control and management of all schools, school property and pupils. It

May purchase
property, etc.

shall not have power to raise money, borrow money, or incur indebtedness except in the manner herein specified.

(179) SEC. 13. The officers of the board shall be a president, vice president, secretary and treasurer. The city treasurer shall be ex-officio treasurer of the board. The president and vice president shall be elected annually from among the members of the board by a majority vote thereof. The secretary shall not be a member of the board. The president, vice president and secretary shall perform such duties as may be prescribed by the by-laws, rules and regulations of the board. The officers of the board who in the discharge of the duties of their respective positions handle funds belonging to the public schools, shall be required to give bonds for the faithful performance of their duties, in such manner and form as may be prescribed by the rules and by-laws of the board. The treasurer shall have the custody of all moneys belonging to the school district and shall pay out the same only upon orders as in this act specified. The city attorney shall be the legal advisor of said board and represent it in all litigation. The board shall require from the city treasurer a separate bond to protect the separate funds of the board. Interest upon such separate funds shall be the property of the board.

Officers.

Treasurer's bond.

(180) SEC. 14. Regular meetings of the board shall be held at least once in each month, at such time and place as may be fixed by the by-laws. Special meetings may be called and held in such manner and for such purposes as may be specified in the by-laws.

Meetings.

(181) SEC. 15. The fiscal and accounting year shall commence with the first day of July in each year.

Fiscal year.

(182) SEC. 16. The board shall annually on or before the first Tuesday in April in each year, make an estimate of the amount of taxes deemed necessary for the ensuing year for all purposes within the power of said board, which estimate shall specify the amounts required for the different objects. The board shall transmit such estimates to the common council, city commission or other legislative body of the city on or before the second Monday in April of each year for ratification, amendment or rejection. If for any reason the common council, city commission or other legislative body of said city shall fail to pass on said estimate and finally adopt the same after such amendment, increase or decrease as it determines, before the second Monday in May in each year, then the estimate made by such board shall stand as approved and be considered as approved and ratified by such legislative body and reported accordingly, and the amount therein named, levied and collected accordingly. On or before the third Monday in May the secretary of the board shall make to the assessing officers of said city, a written report of the amount of taxes so deemed necessary and approved or standing approved by said legislative body, and the assessing officers shall apportion said

Tax estimate.

Approval, etc.

Report to assessing officers.

Tax
limit.

amount, and the same shall be levied, assessed, collected and returned the same as other city taxes. No greater sum than nine mills on the dollar shall be levied for general school purposes in any one year. For purchasing school lots, erecting school houses, and equipping the same, and paying school bonds and the interest thereon no greater sum than six mills on the dollar in addition to the tax for general school purposes shall be levied in any one year.

Am. 1919, Act 405; 1921, Act 7.

Amount
may borrow.

(183) SEC. 17. The board may from time to time, on such terms as it may deem proper, borrow for temporary school purposes, not to exceed fifty thousand dollars total outstanding unpaid at any one time, and may give the note or bond of the board therefor, which shall be paid from the first school moneys collected thereafter. For the purpose of purchasing sites, erecting buildings or both, and for equipping buildings, the board may borrow such sums of money as it may deem necessary and may issue and sell its bonds therefor upon such rates of interest and for such time and in such amount as it may think proper and in such form and with bonds and coupons signed and countersigned in such manner as it may by resolution direct, but the action of the board authorizing such loan shall first be submitted to the common council, city commission or other legislative body of the city for approval, and no such issue of bonds shall be valid unless the proposal to issue the same shall have been approved by a majority vote of the members-elect of the common council, city commission or other legislative body: Provided, however, That such bonds shall be valid without the approval of the common council, city commission or other legislative body, if approved by a majority vote of the school electors of said city voting thereon at any election at which the question of approving such an issue of school bonds shall be submitted to them by the said board or by the said common council, city commission or other legislative body. No bonds shall be sold for less than par, nor bear more than six per cent interest, nor run for more than twenty years.

Proviso.

Am. 1921, Act 176.

Claims,
allowance of.

(184) SEC. 18. All demands and claims against the board shall be allowed under such rules and regulations as it may establish, and shall thereupon be certified to the city comptroller or other auditing department of the city for payment. Payment of the same shall be made by the city treasurer out of the funds of the board in the same manner as near as may be as claims against the city are paid out of the general city treasury.

(185) SEC. 19. The board shall have power to elect for such term not exceeding three years as it may determine, a superintendent of schools and a business manager, neither

Superin-
tendent of
schools, etc.

of whom shall be members of said board, and to fix their salaries and remove either of them, notwithstanding their term of office has not expired, upon the concurrent vote of two-thirds of all the members of said board. It may delegate to such superintendent the executive management and control of the educational department and to the business manager the management and control of purchases, contracts, and all other business matters insofar and to such extent as it may from time to time determine.

(186) SEC. 20. All proceedings and official actions of the board shall be printed and published immediately after such meeting, in such manner as the board shall decide. It shall cause to be made at the end of each fiscal year and to be published a complete report of its receipts and expenditures and general school statistics. Proceedings,
etc., pub-
lished.

(187) SEC. 21. The board shall provide for taking the school census required by law. It shall receive the funds devoted by law to the maintenance of the district or school libraries and shall devote the same to that purpose, and may delegate the expenditure of such library funds to such executive body as may be constituted by law for the management of the public or school libraries within the city. No member of the board shall receive any compensation whatever for services as members nor for any service rendered to the board. Every action of the board involving the incurring of pecuniary liabilities or expenditure of money shall be by yeas and nays vote entered at large upon its record. School
census.

(188) SEC. 22. Within twenty-four hours after its passage, the president or acting president of the board may veto any action thereof by filing in the office of the secretary of the board his reasons therefor, in writing, and the same thereupon shall not go into effect or have any legal operation until after it shall be repassed at a subsequent meeting of the board by a vote of two-thirds of all the members thereof. No action of the board shall go into operation until the expiration of twenty-four hours after its passage unless the president or acting president shall sooner file with the secretary his written approval thereof. Actions,
vetoing by
president.

(189) SEC. 23. All acts and parts of acts, general or special, in any wise contravening provisions of this act shall be and are from and after the time this act goes into effect in any city, repealed, as far as that city is concerned. Acts repealed.

An Act in relation to the division of or changing of boundaries of primary school districts.

[Act 61, P. A. 1911.]

The People of the State of Michigan enact:

Boundaries,
change of.

(190) § 5765. SECTION 1. Hereafter the township board of any township may divide or change the boundaries of any primary school district regardless of whether such school district was formed or created under the general school law, or under any local act or special law in accordance with the same rules and in such manner as is prescribed for the formation and alteration of school districts. In those instances in which the school district lies in more than one township, such action shall be taken at a joint meeting of the boards of the various townships interested.

Consolidating
school
districts.

(191) § 5766. SEC. 2. Hereafter the township board of any township may consolidate school districts regardless of whether such school districts were formed or created under the general school law or created under any local or special law in accordance with the same rules and in such manner as is prescribed for the formation and alteration of school districts. In those instances in which the school districts lie in more than one township, such action shall be taken at a joint meeting of the boards of the various townships interested: Provided, That two or more districts shall not be consolidated, unless such consolidation, is approved by a majority vote of the electors voting at an annual meeting, or a special meeting in each district affected.

Proviso,
referendum.

Am. 1917, Act 136.

CONSOLIDATION OF SCHOOL DISTRICTS IN ANNEXED TERRITORY.

An Act to provide for the consolidation of school districts in territory annexed to cities with school districts of such cities.

[Act 18, P. A. 1917.]

The People of the State of Michigan enact:

Districts,
when united.

(192) SECTION 1. Where territory is annexed to a city, organized school districts partly or wholly within such territory shall be united with the school districts of such city whenever the governing bodies of any such district and of the city school district, by resolution, agree upon such union. The governing body of either the city district or annexed district may propose such union by resolution setting forth the terms thereof, which resolution shall be transmitted to the other body, and shall be acted upon by it. Either body shall propose such union when requested by petition of ten

Resolution.

Ten per cent
petition.

per cent of the voters of its district. A quorum may act in each case, and a majority of the body may pass such resolution. When such resolution shall have passed both bodies, a copy thereof shall be certified to by the secretary of each, shall be recorded in the register of deeds' office, and shall, when so recorded, pass the legal title of the real and personal property of the district in the annexed territory to the district of the city to which the same was annexed, and shall be sufficient evidence of such union.

(93) SEC. 2. The resolution shall set up the names of the respective school districts; shall accurately define the boundaries of the district which it is proposed to unite to the city district; shall recite the real property owned by said district according to its legal description and the personal property with reasonable particularity, sufficient to enable it to be accurately identified; shall recite the bonded indebtedness of said district; shall specify whether a part or all of said district has been annexed to said city, or whether all or an accurately bounded part of said district is to be united with the city district; shall set up that the district passing such resolution proposing the union of the districts named; and shall provide that upon the adoption of the resolution by the governing bodies of both districts and the recording of such resolution as provided in section one, said city school district shall acquire the property of the district annexed and the latter shall become a part of the former and subject to the laws governing it.

Resolution,
what to
contain.

(194) SEC. 3. In like manner, when a part only of a district is within annexed territory provision may be made for the union of the part annexed only, with the city district by similar agreement.

Union of
part only.

(195) SEC. 4. In either case, if the governing body of the city district passes such resolution, and that of the district partly or wholly annexed does not, the question of such union shall be submitted, by the board of the latter district, to the voters in the territory proposed to be added to the city district (within thirty days after the resolution is received from the city district), at a regular election, or a special election, called for the purpose. If a majority of those voting favor such union, then it shall become effective upon the recording of said resolution and a certified copy of the notice of such election and of the canvass of the vote cast on said question.

Referendum.

(196) SEC. 5. When the union herein provided for has been perfected, the officers of the district joined to the city district shall as soon as may be account to the city district for the funds and property in their hands as such officers, and shall turn over same to said city district. Upon the receipt by the latter of such funds and property, such officers shall be released of liability therefor, their official bonds shall be deemed cancelled, and their offices terminate. Where only a fraction of a district is united, such accounting shall be pro

Funds and
property.

rata in the proportion of the population united to the whole population of the district; such officers shall be discharged of liability for the property accounted for; but shall continue as officers of the balance of the district.

Debts and
contracts.

(197) SEC. 6. When such union is perfected, the city district shall assume outstanding indebtedness of the district annexed, or the proper pro rata share thereof, and shall assume and perform all legally binding contracts of such district, so far as the same apply to the part of said district united to such city district. Until such union is perfected, all bonds outstanding, and all valid unperformed contracts, and all other liabilities, of such districts in annexed territory shall be and continue valid and enforceable obligations thereof, and said districts shall continue to exercise their powers as such.

CONSOLIDATION OF SCHOOL DISTRICTS IN INCORPORATED CITY.

An Act to provide for the consolidation of school districts which are within the limits of any incorporated city.

[Act 9, (ex. sess.), P. A. 1919.]

The People of the State of Michigan enact:

When city
school
districts
consolidated.

(198) SECTION 1. Whenever any incorporated city of the state shall contain within its limits two separate school districts, formed or created under the general school law or under any local act or special law, the said school districts may be consolidated into one school district in the manner hereinafter prescribed.

How
proposed.

(199) SEC. 2. The governing body of either of the separate school districts may propose such union by resolution, setting forth the terms thereof, which resolution shall be transmitted to the other body and shall be acted upon by it. The governing body of either of the separate school districts shall propose such union when requested by petition of ten per cent of the voters of its district. A quorum may act in each case and a majority of the body may pass such resolution. Whenever such resolution shall have passed each body a copy thereof shall be certified to by the secretary of each and filed with the city clerk. The city clerk shall thereupon submit the question of such union to the voters in each school district proposed to be united, at a regular or special election to be called for that purpose.

Resolution,
what to
recite.

(200) SEC. 3. The resolution shall set up the name of the respective school districts; shall recite the real property owned by said district according to its legal description, and the personal property with reasonable particularity sufficient to enable it to be accurately identified; shall recite the bonded

indebtedness of said district; and shall provide that when the majority of the electors of each district shall have voted in favor of consolidating the school districts, said consolidated school district shall acquire the property of each district.

(201) SEC. 4. That the procedure in said election, so far as the advertising of said election, casting of ballots and the counting and recording of same, shall follow, as near as may be, the method prescribed for city elections within said city, except as herein otherwise provided.

Election,
how con-
ducted, etc.

(202) SEC. 5. Every citizen of the United States of the age of twenty-one years or over, male or female, who owns property which is assessed for school taxes in such districts, or who is the parent or legal guardian of any child of school age included in the school census of such district and who has resided in said district at least three months next preceding such election, shall be a qualified voter.

Who quali-
fied voter.

(203) SEC. 6. That upon the determination of the result of said election, if it should appear that the majority of the electors of each school district voting on said question shall have voted in favor of consolidating the school districts, the consolidation shall thereupon be considered as immediately effective. The new consolidated district shall thereafter be considered as created, and shall operate under the general school law, the same being act number one hundred sixty-six of the public acts of nineteen hundred seventeen, as amended.

Consolida-
tion, when
effective.

Am. 1921; Act 175.

(204) SEC. 7. When the electors of each school district have voted in favor of consolidating the school districts as herein provided, a certified copy of the resolution as adopted by the governing body of each district, and of the result of the election in each school district, shall be recorded in the register of deeds' office and shall, when so recorded, pass the legal title of the real and personal property of each district, to the new consolidated school district, and shall be sufficient evidence of such union.

Evidence of
union.

(205) SEC. 8. When such union is perfected, the consolidated school district shall assume outstanding indebtedness of the districts united, and shall assume and perform all legally binding contracts of such districts. Until such union is perfected, all bonds outstanding and all valid unperformed contracts, and all other liabilities, shall be and continue valid and enforceable obligations thereof, and said districts shall continue to exercise their power as such.

Liabilities
assumed.

(206) SEC. 9. This act shall not be construed as repealing or affecting in any way act number sixty-five of the public acts of nineteen hundred nineteen.

Certain act
not repealed,
etc.

An Act relative to dividing city school districts into election precincts, and to provide the manner of holding elections therein.

[Act 385, P. A. 1913.]

The People of the State of Michigan enact:

School district, division of.

Proviso, notice of.

(207) § 5850. SECTION 1. In any city school district, the board of education thereof may divide said district into two or more election precincts: Provided, That such division be made at least twenty days previous to the first annual meeting or election held thereafter, and a diagram of the boundaries of each precinct be posted therein, in not less than three of the most public places in each precinct, with a plain description and the number of the same, not less than fifteen days previous to such meeting or election, and by publishing said notice in a newspaper, if one is published and circulated in said district, for at least three weeks previous to such meeting or election.

Election inspectors, etc., appointment of.

(208) § 5851. SEC. 2. The board of education of any district so divided shall, not less than ten days prior to any meeting or election, appoint the members of the boards of registration, and the inspectors of election and other necessary election officers for each precinct of the district, and the secretary of the board shall notify each person so appointed thereof. No person shall serve on such boards, unless he is an elector and resides in the precinct for which he is appointed.

Vacancies, how filled.

(209) § 5852. SEC. 3. In case any of the persons so appointed to serve on such boards of registration and election decline to act, or neglect to appear at the time and place designated, the members of the board present or the electors at the polls, may fill any vacancy or vacancies existing.

Registration, when made.

(210) § 5853. SEC. 4. After a district has been divided into election precincts under the provisions of this act, the board of education shall order a new registration of the qualified electors to be made in each precinct the Saturday preceding any meeting of the district at which an election is to take place, and it shall be the duty of the board of education to order a new registration in each precinct every four years from and after the first annual meeting or election held in any district after it has been divided into precincts under the provisions of this act.

Board of election inspectors, duty of.

(211) § 5854. SEC. 5. After the votes have been counted in a precinct at any election, the board of election inspectors shall make out a correct and true statement thereof, in duplicate, and certify to the same. One copy thereof shall be deposited in the ballot box and the other shall be delivered to the chairman of the board of election inspectors of the precinct, and it shall be the duty of said chairman to file the said statement with the secretary of the board of education within twenty-four hours after so receiving the said statement.

(212) § 5855. SEC. 6. The board of education of the district shall meet at its usual place of meeting on the Wednesday succeeding an election at ten o'clock in the forenoon, and shall, without adjourning, canvass the returns from the several precincts of the district and declare the result of the election. Said canvass shall be open to the public. The secretary shall enter the proceedings of such canvass upon the records of the district. Canvass.

(213) § 5856. SEC. 7. Except as provided in this act, the manner of conducting elections shall be the same as provided in the general school laws of the state and any local act in force in such district. Elections,
how held.

(214) § 5857. SEC. 8. This act shall not apply to any city school district now authorized by law to divide such district into election precincts or districts. Application
of act.

(215) § 5858. SEC. 9. This act shall apply only to cities of under twenty-five thousand inhabitants. Idem.

Section 10 declares this act immediately necessary for the preservation of the public peace and safety.

An Act relative to dividing city school districts into election precincts, to provide for the registration of voters and for the holding of elections therein.

[Act 275, P. A. 1915.]

Sections 2 and 7 of this act are amended by Act 303, P. A. 1919 (see compiler's sections 225-28), effective in districts where ratified by electors.

The People of the State of Michigan enact:

(216) § 5841. SECTION 1. The board of education of any school district composed in whole or in part of territory situated in any city in this state may divide said district into such number of voting precincts as shall be necessary, and shall provide for the registration of voters, and for elections therein suitable ballot boxes, poll lists and other supplies or equipment as may be necessary or proper. Such division shall be made at least sixty days previous to the first election after this act becomes operative in any district. Board may
subdivide
district.

(217) § 5842. SEC. 2. A registration of the qualified electors in each district shall be made in each voting precinct, and the name, sex and address of each person registering, and whether the owner of property assessed for school taxes or a parent or legal guardian of children of school age. Such registration shall in all respects not herein specified be conducted in the same manner as the registration required or provided for with reference to general elections, and all laws of the state for preserving the purity of elections and for preventing fraud and corruption shall govern all elections and registrations under this act so far as the same are applicable. No unregistered person shall be allowed to vote at any school election unless such person has qualified under Registration.

Laws
applicable.

oath under the provisions of law regulating elections in cities. The first registration of voters shall be made in each voting precinct in said district on the last Saturday previous to the date of the annual school election as fixed by law, or of any special election that may be ordered or provided by law, and subsequent registrations shall be made on the last Saturday preceding any election in such district and whenever the board of education may provide for a general registration therein. Boards of registration shall be in session in the several voting precincts continuously between the hours of three o'clock and eight o'clock in the afternoon on registration days.

Am. 1919, Act 303. Effective when ratified by electors in accordance with section 2 of said act. See compiler's sections 225-28.

When made.

Sessions of boards.

Board of registration, etc.

Oath of office.

Vacancy.

Return of votes.

Notice of registration.

Canvass.

Certificates of determination.

(218) § 5843. SEC. 3. The board of education in each district so divided shall appoint three qualified electors in each voting precinct to compose a board of registration and a board of election inspectors. Such appointment shall be made at least ten days prior to the time required for registration and election as the case may be. The same electors may be appointed members of both boards. Each member shall take the constitutional oath of office and shall be entitled to administer oaths to any person in connection with the registration or election. In case of inability or refusal to act, the board of education may fill the vacancy, and in case the members shall not all be present at the time of the opening of the registration or of the polls, the qualified electors present may fill the vacancy. The inspectors of election shall, immediately after canvassing the votes, make their return thereof and deliver the same to the secretary of the board of education.

(219) § 5844. SEC. 4. Notice of the time and place of holding any registration or election shall be given by the secretary of the board of education, by posting notice thereof in three public places in each voting precinct in which the registration or election is to be held, at least ten days before the registration or election, and by publication in one or more of the city papers, if any, in the district, at least six times within ten days next preceding the election. If no daily paper is published in the district, the notice shall be published at least once in a weekly newspaper published therein. The notice of election shall contain the names of all candidates for each office to be voted on, and the substance of all special matters, if any, to be submitted thereat.

(220) § 5845. SEC. 5. The board of education shall convene on Thursday next succeeding any election at the usual hour and place of meeting, and canvass the returns, and from the statements filed with the secretary, shall determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election. The secretary shall make triplicate certificates of such determination under the corporate seal of the district, showing the result of the election upon each question or proposition,

and what persons were declared elected to the several offices respectively, one of which he shall file in the office of the county clerk of the county, one in the office of the city clerk of the city in which such district is situated, and the other shall be filed in his own office. The person receiving the greatest number of votes, as shown by said statements, shall be deemed to have been duly elected, but if there shall be no choice by reason of two or more candidates having received an equal number of votes, the board of education shall at the time of canvassing the votes, determine by lot between said persons which one shall be elected to said office. It shall be the duty of the secretary of the board, within five days after the determination, to notify in writing each person elected of his election, and he shall file a written acceptance of such election, together with the constitutional oath of office within ten days after receiving such notice, or the office will be deemed vacant.

Who deemed elected.

Tie vote.

Notification.

Oath of office.

(21) § 5846. SEC. 6. Candidates for members of the board of education shall be nominated by petition, which shall be filed with the secretary of the board of education not less than ten days nor more than fifteen days prior to the date of election. Each petition shall be signed by not less than twenty-five qualified registered school electors of the district. No elector shall sign the petition for more candidates than are to be elected. Said petition shall be substantially in the following form:

Nomination by petition.

"We, the undersigned qualified school electors of the (name of district) do hereby nominate..... of street, of said district, as a member of the board of education of said district."

Form.

Upon the filing of such petitions the secretary of the board shall place the same in the public files of his office, and for at least five days immediately preceding said election, shall publish the names proposed in a daily newspaper of the district, and if there is no daily newspaper in the district, the names shall be published in all the weekly newspapers of the district or at least one edition during the week preceding the election, and if there shall be no paper published in the district, he shall post printed lists of such names in three of the most public places in each school voting precinct in said district one week before the election. The secretary of the board of education shall prepare and have printed an official ballot, which shall be in substantially the same form as provided in the general election law, on which shall be placed the names of all who have been duly named for members of said board. In the printing of such ballots the provisions of the general law of the state for transposing and alternating the names of candidates shall apply: Provided, That no party emblem or designation shall be placed upon school election ballots.

Publication of names.

Official ballot.

Proviso, election emblem.

(22) § 5847. SEC. 7. Except as provided in this act, the manner of conducting elections shall be the same as provided

Conduct of election.

in the general school laws of this state and any local act in force in such district.

Am. 1919, Act 303. Effective when ratified by electors in accordance with section 2 of said act. See compiler's sections 225-28.

Referendum. (223) § 5848. SEC. 8. This act shall not be in force or take effect in any district until a majority of the voters voting on such proposition shall vote in favor of the same. Such proposition may be submitted to the voters of any school district at such time or times as the board of education of such district shall determine, and when submitted, the ballot for voting thereon shall be in substantially the following form:

Ballot. "Shall this school district be divided into voting precincts and registration of voters made and elections hereafter held in such several voting precincts?

Yes []

No []"

Re-submission. (224) § 5849. SEC. 9. If any election district has elected to come under the provisions of this act, such district may at any time after two years, upon a petition signed by ten per cent of the qualified electors in said district, re-submit the question of the continuance or discontinuance of this act within such district. The form of the proposition for the re-submission of the question shall be drafted by the board of education when submitted at any succeeding special or general election.

Form.

An Act to amend sections two and seven of act number two hundred seventy-five of the public acts of nineteen hundred fifteen, entitled "An act relative to dividing city school districts into election precincts; to provide for the registration of voters and for the holding of elections therein," being sections five thousand eight hundred forty-two and five thousand eight hundred forty-seven of the compiled laws of nineteen hundred fifteen.

[Act 303, P. A. 1919.]

The People of the State of Michigan enact:

Sections amended. (225) SECTION 1. Sections two and seven of act number two hundred seventy-five of the public acts of nineteen hundred fifteen, entitled "An act relative to dividing city school districts into election precincts; to provide for the registration of voters and for the holding of elections therein," being sections five thousand eight hundred forty-two and five thousand eight hundred forty-seven of the compiled laws of nineteen hundred fifteen, are hereby amended so as to read as follows:

Registration. (226) § 5842. SEC. 2. A registration of the qualified electors in each district shall be made in each voting precinct, and the name, sex and address of each person registering, and whether the owner of property assessed for school taxes or a parent or legal guardian of children of school age.

Such registration shall in all respects not herein specified be conducted in the same manner as the registration required or provided for with reference to general elections, and all laws of the state for preserving the purity of elections and for preventing fraud and corruption, shall govern all elections and registrations under this act so far as the same are applicable. No unregistered person shall be allowed to vote at any school election unless such person has qualified under oath under the provisions of law regulating elections in cities. The first registration of voters shall be made in each voting precinct in said district on the last Saturday previous to the date of the annual school election as fixed by law, or of any special election that may be ordered or provided by law, and subsequent registrations shall be made on the last Saturday preceding any election in such district, and whenever the board of education may provide for a general registration therein: Provided, however, The board of education may make provision for the registration of the school electors of said district on such days and times other than those above mentioned, as it may deem advisable, and may provide for the registration of qualified school electors by the secretary of the board of education when the boards of registration in the precincts of said district are not in session. Boards of registration shall be in session in the several voting precincts continuously between the hours of three o'clock and eight o'clock in the afternoon on registration days, and such additional hours as the board of education may direct.

How conducted.

Unregistered persons.

First registration.

Subsequent registrations.

Provido, other times.

Hours boards in session.

(227) § 5847. SEC. 7. Except as provided in this act, the manner of conducting elections shall be the same as provided in the general school laws of this state and any local act in force in such district: Provided, however, In a school district operating under any local act which fixes the hours during which the polls shall be open for elections, the board of education of said district may determine hours other and different from those so fixed during which the polls shall be open for elections in said district if it deem the same advisable: Provided further, In any school district coming within the provisions of this act, the board of education shall determine what questions and propositions, other than the issuance of bonds, shall be submitted to the vote of the electors of the district voting in precincts as herein provided for, and all other questions, propositions and matters upon which action by a vote of the electors of the district is required or necessary, shall be acted upon at the annual meeting of the voters of the district, or at a special meeting thereof, called and held as provided by law.

Law governing elections.

Provido, local provisions.

Further, proviso, propositions, etc., submitted.

Other questions.

(228) SEC. 2. This act shall not be in force or take effect in any district, which shall have adopted the provisions of said act number two hundred seventy-five of the public acts of nineteen hundred fifteen, until a majority of the voters voting on such proposition shall vote in favor of the same.

Referendum.

Ballot.

Such proposition may be submitted to the voters of any such school district at such time or times as the board of education of such district shall determine, and when submitted, the ballot for voting thereon shall be in substantially the following form:

Shall this school district adopt act number..... of the public acts of nineteen hundred nineteen, amending sections two and seven of act number two hundred seventy-five of the public acts of nineteen hundred fifteen, sections five thousand eight hundred forty-two and five thousand eight hundred forty-seven of the compiled laws of nineteen hundred fifteen, said act so amended being "An act relative to dividing city school districts into election precincts; to provide for the registration of voters and for the holding of election therein?"

Yes ().

No ().

MISCELLANEOUS PROVISIONS RELATIVE TO EDUCATION AND THE SCHOOLS.

TEXT BOOKS.

An Act to regulate the uniformity of, and to provide free school text-books in, public schools throughout the state, and the distribution of the same, and to repeal all statutes and acts contravening the provisions of this act.

[Act 147, P. A. 1889.]

The People of the State of Michigan enact:

(229) § 5781. SECTION 1. From and after June thirty, eighteen hundred ninety, each school board of the state shall purchase, when authorized as hereinafter provided, the text-books used by the pupils of the schools in its district. Text-books once adopted under the provisions of this act shall not be changed within five years: Provided, That the textbook on the subject of physiology and hygiene must be approved by the state board of education and shall in every way comply with section fifteen of act number one hundred sixty-five of the public acts of eighteen hundred eighty-seven, approved June nine, eighteen hundred eighty-seven: And provided further, That all text-books used in any school district shall be uniform in any one subject.

The section above referred to is section 60.

FREE TEXT-BOOKS: It has never been claimed that school boards have the power to furnish free text-books except by virtue of special legislation.—Bd. of Education v. Detroit, 80/548.

TEXT-BOOKS: The provision of the law that books once adopted shall not be changed within five years was designed to protect the public and not for the benefit of book publishers.—Att'y Gen'l v. Bd. of Ed., 133/681.

A resolution of the board directing the purchase of a specified text-book for the use in the schools constituted an adoption of that book. The five years began to run from the date of such resolution, not from the time the book

When board to purchase text-books.

Proviso.

Further proviso.

was completely installed in the school. A resolution of the board to purchase certain text-books for "supplementary use" shows no intention to adopt, and is illegal and void.—Att'y Gen'l ex rel. Marr v. Bd. of Edu., Detroit; D. C. Heath & Co. v. same, 133/681.

Under its organic act (Act 233 of 1869) the Detroit board of education cannot buy school books for high school students and sell them at cost.—Attorney General v. Bd. of Ed. of Detroit, 175/438.

(230) § 5782. SEC. 2. The district board of each school district shall select the kind of text-books on subjects enumerated in section one to be taught in schools of their respective districts: Provided, That nothing herein contained shall require any change in text-books now in use in such district. They shall cause to be posted in a conspicuous place, at least ten days prior to the first annual school meeting from and after the passage of this act, a notice that those qualified to vote upon the question of raising money in said district shall vote at such annual meeting to authorize said district board to purchase and provide free text-books for the use of the pupils in said district. If a majority of all the voters as above provided present at such meeting shall authorize said board to raise by tax a sum sufficient to comply with the provisions of this act, the district board shall thereupon make a list of such books and file one copy with the township clerk and keep one copy posted in the school, and due notice of such action by the district shall be noted in the annual report to the superintendent of public instruction. The district board shall take the necessary steps to purchase such books for the use of all pupils in the several schools of their district, as hereinafter provided. The text-books so purchased shall be the property of the district purchasing the same, and shall be loaned to pupils free of charge, under such rules and regulations for their careful use and return as said district board may establish: Provided, That nothing herein contained shall prevent any person from buying his or her books from the district board of the school in which he or she may attend: Provided further, That nothing herein contained shall prevent any district having once adopted or rejected free text-books from taking further action on the same at any subsequent annual meeting.

Board to select the kind.

Proviso.

Notice to vote on question.

Books to be property of district, etc.

Proviso.

Further proviso.

(231) § 5783. SEC. 3. It shall be the duty of the district board of any school district adopting free text-books provided for in this act to make a contract with some dealer or publisher to furnish books used in said district at a price not greater than the net wholesale price of such books: Provided, That any district may, if it so desires, authorize its district board to advertise for proposals before making such contract.

Board to contract with publishers, etc.

Proviso.

(232) § 5784. SEC. 4. The district board of every school district in the state adopting free text-books under this act shall make and prepare annually an estimate of the amount of money necessary to be raised to comply with the conditions of this act, and shall add such amount to the annual estimates made for money to be raised for school purposes, for the next ensuing year. Said sum shall be in addition to the amount

Board to make annual estimate of amount to be raised.

now provided by law to be raised; which amount each township clerk shall certify to the supervisor of his township to be assessed upon the taxable property of the respective districts as provided by law for raising the regular annual estimates of the respective district boards for school purposes, and when collected shall be paid to the district treasurer in the same manner as all other money belonging to said district is paid.

When director to purchase books, etc.

(233) § 5785. SEC. 5. On the first day of February next after the tax shall have been levied, the director of said district may proceed to purchase the books required by the pupils of his district from the list mentioned in section one of this act, and shall draw his warrant, countersigned by the moderator, upon the treasurer or assessor of the district for price of the books so purchased, including the cost of transportation.

Refusal or neglect of duty a misdemeanor.

(234) § 5786. SEC. 6. If the officers of any school district, which has so voted to supply itself with text-books, shall refuse or neglect to purchase at the expense of the district for the use of the pupils thereof, the text-books as enumerated in section one of this act, or to provide the money therefor as herein prescribed, each officer or member of such board so refusing or neglecting shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be liable to a penalty of not more than fifty dollars or imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court: Provided, That any district board may buy its books of local dealers if the same can be purchased and delivered to the director as cheaply as if bought of the party who makes the lowest bid to the district board: Provided further, That school districts in cities organized under special charters shall be exempt from the provisions of this act, but such districts may, when so authorized by a majority vote of their district boards, submit the question of free text-books to the qualified voters of said districts. If a majority of the qualified electors vote in favor of furnishing free text-books, such district boards shall have authority to proceed under the provisions of this act.

Penalty.

Proviso.

Further proviso.

In cities, boards may submit questions to voters of district.

SPECIAL CHARTERS: The action of the Detroit board of education, in including in its annual estimate a sum for free text-books, in the absence of authority from a majority of the qualified electors, as provided in this section, was held absolutely void.—Bd. of Ed. v. Detroit, 80/551.

Act to regulate the sale, exchange, and use of school text-books within this state, to provide penalties for the violation hereof, and to repeal act number three hundred fifteen of the public acts of nineteen hundred thirteen, entitled "An act to regulate the sale of school text-books," the same being sections five thousand seven hundred eighty-seven to five thousand seven hundred ninety-eight, inclusive, of the compiled laws of nineteen hundred fifteen.

[Act 380, P. A. 1919.]

The People of the State of Michigan enact:

- (235) SECTION 1. No board of education or school official in any school district in this state shall purchase, procure by exchange, adopt, or permit to be used in the schools of any such district any school text-book which is not listed with the superintendent of public instruction as hereinafter provided. Any person, firm or corporation desiring to offer school text-books for adoption, sale, or exchange in the state of Michigan shall file with the superintendent of public instruction copies of all such text-books together with a sworn statement of the usual list price, the lowest net wholesale price, and the lowest exchange price at which said book is sold or exchanged for an old book on the same subject of like grade and kind but of a different series. No text-book shall be listed by the superintendent of public instruction unless the person, firm, or corporation offering the same shall enter into a written contract with the superintendent of public instruction, acting on behalf of the state of Michigan and the school districts thereof, which said contracts shall embrace the following terms and conditions:
- (a) That said person, firm, or corporation will furnish any of the books listed in said statement, and in any other statement subsequently filed by him, at any time within a period of one year after such filing, to any such district or any school corporation in the state of Michigan at the lowest price contained in said statement, and that said prices shall be maintained uniformly through the state;
- (b) That the prices, as set forth in said statement, shall be automatically reduced in the state of Michigan whenever reductions are made elsewhere in the United States, after January one, nineteen hundred eighteen, so that at no time shall any book so filed and listed be sold or offered for sale by such person, firm, or corporation in the state of Michigan at higher net prices than are received for such book elsewhere in the United States, and regardless of whether such book is so sold or offered for sale elsewhere in accordance with the terms of a contract, or otherwise;
- (c) That all text-books offered for sale, adoption, use, or exchange in the state of Michigan shall be at least equal in quality to those deposited in the office of the superintendent of public instruction as regards paper, binding, printing, illus-

School officers to procure listed books.

Duty of publisher, etc.

Contract required.

Conditions, etc.

Agreement to furnish, etc.

Automatic reduction.

Equal quality.

trations, subject matter and any and all other particulars affecting the value of such text-books;

(d) That in case any abridged or special edition of any of the books so listed by any person, firm, or corporation is prepared thereby and is offered for sale elsewhere in the United States at lower wholesale prices than the net wholesale price of said book, or books, according to the statement filed with the superintendent of public instruction, said person, firm or corporation shall file a copy of such special edition together with the price therefor with the superintendent of public instruction, and shall sell and offer the same for sale for use in the public schools of the state of Michigan at the lowest net prices at which said book is sold or offered for sale elsewhere in the United States;

(e) That the person, firm, or corporation shall not enter into any understanding, agreement, or combination to control the prices of school text-books or to restrict competition in the sale thereof for use in the public schools of the state of Michigan;

(f) That the superintendent of public instruction may, if he ascertains at any time that any person, firm, or corporation listing books with him as herein provided is selling or offering for sale any such book or books elsewhere in the United States at lower prices than those for which said book or books are sold or offered for sale in the state of Michigan, cancel all filings on the part of any such person, firm, or corporation, and remove from the list hereafter referred to all books sold or offered for sale by such person, firm, or corporation: Provided, That nothing in this act shall be construed to disturb contracts entered into with school boards previous to January first, nineteen hundred nineteen.

(236) SEC. 2. The superintendent of public instruction shall not enter into any contract, as above provided, unless and until the person, firm, or corporation seeking to have its books listed hereunder shall enter into a bond to the people of the state of Michigan in the penal sum of five thousand dollars conditioned for the faithful execution of the terms of the contract. Said bond shall be subject to the approval of the attorney general of the state and shall be executed as surety by some responsible surety company authorized to carry on its business within the state of Michigan. Any school district, school board, or any person who is aggrieved by any breach of the contract aforesaid may bring suit on said bond to recover the actual damages sustained. Said bond shall also specify that in case of suit thereon in the name of the people of the state of Michigan as hereinafter provided, the amount of said bond shall be regarded as liquidated damages for the breach of the contract secured.

(237) SEC. 3. If any contract executed hereunder or any bond securing the same expires and is not renewed, or if the superintendent of public instruction ascertains and deter-

Special
editions.

Combina-
tions, etc.

Right to
cancel
filings.

Proviso,
existing
contracts.

Bond.

Approval.

Recovery of
damages.

How bond
regarded in
case of suit.

When
listings
cancelled.

lines at any time that the conditions of said contract have been violated, he shall cancel the listings of any person, firm, or corporation so in default; and therefrom and thereafter no text-books sold or offered for sale by any such person, firm, or corporation shall be purchased or taken by exchange or otherwise by any school board, school district, or school official within this state.

(238) SEC. 4. The superintendent of public instruction shall annually, and at such other time or times as he may deem expedient, publish and send to each board of education within the state a copy of all lists of school text-books then in force in his office showing the prices at which such books may be purchased. Any list so issued shall remain effective until superseded or cancelled. No school text-book shall be purchased, adopted, or used for or in the schools of any school district within the state unless the same is contained in the list so put forth by the superintendent of public instruction, and in effect at the time of the purchase, adoption, or exchange. In no case shall any filing by any person, firm, or corporation become effective until the publication of a list by the superintendent of public instruction.

Publication of lists.

Books not used unless listed.

When filing effective.

(239) SEC. 5. It shall be the duty of all school superintendents and principals and school officials in the various districts of the state to notify the county commissioner of schools of the county, in which such district may be, of any violation of any of the terms or conditions of said contract or said bond that shall come to their knowledge. In school districts included in whole or in part within the limits of any incorporated city, such report shall be made to the board of education of the district and said district shall thereupon inform the county commissioner of schools of the occurrence. If, after investigation, said county commissioner of schools concludes that there is good ground for believing that the contract or bond has been violated, he shall immediately report the matter to the superintendent of public instruction. Said superintendent shall, upon receipt of any such report, cause the same to be investigated, and if he finds that such violation has in fact occurred, he shall cancel all listings of the person, firm, or corporation in default and shall notify the boards of education of the various school districts of the state of such cancellation, and that the published list of school text-books is modified by striking therefrom the names of all books sold or offered for sale by such person, firm, or corporation. The superintendent of public instruction may, in his discretion, declare the contract entered into with any such person, firm, or corporation to be terminated as to future transactions, and he may refuse thereafter to enter into any new contract therewith. In case any contract made hereunder is thus terminated, an action on the bond may be brought in the name of the people of the state of Michigan by the attorney general and the amount of such bond shall be

Violations reported.

When listings cancelled.

May terminate contract.

Action on bond.

deemed to be liquidated damages sustained by the people of the state for and on account of such breach.

(240) SEC. 6. No person shall secure or attempt to secure the sale of any school text-books in any school district in this state by rewarding or promising to reward any teacher in any school in the state or by securing for him any position in any other school. No person shall offer or give any emolument, money, or other valuable thing, promise of work, or any other inducement to any teacher or school officer in any school district for any vote or promise of vote or for the use of his influence for any school text-books to be used in this state: Provided, That nothing in this section shall be construed to prevent any person from giving, or any school officer or teacher from receiving, a reasonable number of sample copies of school text-books for examination with a view to obtaining information as to the book or series of books for which such officer shall give his vote.

(241) SEC. 7. It shall be unlawful for any retail dealer in text-books to sell any books listed with the superintendent of public instruction as hereinbefore provided at a price to exceed fifteen per cent advance on the net wholesale price as so listed, and the cost of transportation.

(242) SEC. 8. School districts are hereby authorized to purchase text-books from the publishers at the prices listed with the superintendent of public instruction as hereinbefore provided and to sell said books to the pupils at said listed prices or at such prices as will include the cost of transportation and the cost of handling.

(243) SEC. 9. School districts are hereby authorized to purchase text-books from the publishers at the prices listed with the superintendent of public instruction as hereinbefore provided and to designate a retail dealer or dealers to act as the agent of the district in selling text-books to pupils. The said dealer or dealers shall at stated times make settlement with the district for such books as have been sold up to the stated time. Said dealer or dealers shall not sell text-books at a price which shall exceed a ten per cent advance on the net wholesale price as listed with the superintendent of public instruction.

(244) SEC. 10. When a family removes from one school district to another within this state, the treasurer shall purchase out of the general fund the text-books in actual use by the children of said family if said children are attending the public schools in such district. The price to be paid shall be based on the condition of the books and the same may be resold by the school district to other pupils moving into such district.

(245) SEC. 11. Any school official or member of any school board or other person violating or knowingly permitting or consenting to any violation of the provisions of this act shall be deemed to be guilty of a misdemeanor and on

Inducement for sale, etc., prohibited.

Proviso, sample copies.

Retail dealer's profit.

Districts may purchase, etc.

May designate retailer as agent.

Purchase of books when family moves.

Price.

Penalty.

conviction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or both such fine and imprisonment in the discretion of the court.

(246) SEC. 12. Act number three hundred fifteen of the public acts of nineteen hundred thirteen, entitled "An act to regulate the sale of school text-books," the same being sections five thousand seven hundred eighty-seven to five thousand seven hundred ninety-eight, inclusive, of the compiled laws of nineteen hundred fifteen, and all other acts or parts of acts contravening the provisions of this act are hereby repealed: Provided, however, That any right or cause of action that may have accrued under said act number three hundred fifteen, or under any other law repealed hereby, may be enforced, or prosecuted notwithstanding the provisions hereof.

Act repealed.

Proviso, action pending.

SYSTEM OF HUMANE EDUCATION.

An Act to provide a system of humane education, which shall include kind treatment to domestic and wild animals and birds.

[Act 227, P. A. 1913.]

The People of the State of Michigan enact:

(247) § 5871. SECTION 1. For the purpose of lessening crime and raising the standard of good citizenship, and inculcating the spirit of humanity, such humane education shall be given in the public schools as shall include the kind and just treatment of horses, dogs, cats, birds, and all other animals.

Education in public schools.

(248) § 5872. SEC. 2. In every public school within this state, a portion of the time shall be devoted to teaching the pupils thereof kindness and justice to, and humane treatment and protection of, animals and birds, and the important part they fulfill in the economy of nature. It shall be optional with each teacher whether such teaching shall be through humane reading, stories, narratives of daily incidents or illustrations taken from personal experience. This instruction shall be a part of the curriculum of study in all the public schools of the state of Michigan.

Teaching of kindness, etc.

How taught.

Part of study.

(249) § 5873. SEC. 3. The principal or teacher of every school shall certify in his or her reports that such instruction has been given in the school under his or her control.

Certified reports.

KINDERGARTEN WORK.

An Act authorizing the introduction of the kindergarten method in the public schools of this state.

[Act 119, P. A. 1891.]

The People of the State of Michigan enact:

Duty of district board.

(250) § 5799. SECTION 1. That in addition to the duties imposed by law upon the district board of every school district in this state, they shall also be empowered to provide a suitable room or apartment for kindergarten work, and to supply their district respectively with the necessary apparatus and appliances for the instruction of children in what is known as the kindergarten method.

As to certificates, and payment of kindergarten teachers, see section 254.

Qualifications of teachers, etc.

(251) § 5800. SEC. 2. In the employment of teachers it shall be competent for such district board to require qualifications for instruction of children in kindergarten methods, and the district board may provide by contract with the teacher for such instruction, specifying the hours and times therefor under such rules as the district board may prescribe.

What children entitled to instruction.

(252) § 5801. SEC. 3. All children residing within the district between the ages of four and seven shall be entitled to instructions in the kindergarten department of such district school.

Act to apply to certain other schools.

(253) § 5802. SEC. 4. The powers and duties herein imposed or conferred upon the district shall also be and the same are hereby imposed and conferred upon the school trustees or board of education or other body, by whatever name known, managing or controlling the public schools in each city and village of this state; and this act is hereby made applicable to every public school organized by special act or by charter as fully as if they were named herein.

QUALIFICATIONS OF KINDERGARTEN, MUSIC AND DRAWING TEACHERS.

An Act to define the legal qualifications of kindergarten, primary, music, domestic science and art, manual training, commercial, physical training, and drawing teachers in the state. (a)

[Act 166, P. A. 1901.]

The People of the State of Michigan enact:

When teachers legally qualified.

(254) § 5803. SECTION 1. Any person who is a graduate of any kindergarten training school, whose course of study

(a) Title amended 1917, Act 265.

covers at least two years of work and is approved by the superintendent of public instruction of this state, and who holds also a teacher's certificate or a diploma from a reputable college or from a high school having a four years' high school course, may be granted a kindergarten and primary certificate by said superintendent of public instruction, and such person holding such certificate shall be considered a legally qualified kindergarten and primary teacher; and any district board shall be authorized to pay such teacher for instruction in the kindergarten and primary grades from the same fund, and in the same manner as other teachers are now paid.

Am. 1917, Act 265.
See sections 250-53.

(255) § 5804. SEC. 2. Any person who has finished a course of at least two years in music, domestic science and art, manual training, commercial branches, physical training or drawing in the university of the state of Michigan, or in any of the state normal schools, or in any college incorporated under the general laws of the state, or in any other institution whose course of study is acceptable to the superintendent of public instruction, and who shall present to said superintendent of public instruction a statement from the proper authorities of the institution certifying to the fact of the completion of the required amount of work, may be granted respectively a music teacher's certificate, a domestic science and art teacher's certificate, a manual training teacher's certificate, a commercial teacher's certificate, a physical training teacher's certificate, or a drawing teacher's certificate; and any person holding such certificate shall be considered a legally qualified teacher in the subject named in the certificate; and any district board or board of education shall be authorized to pay such teacher for instruction in the subject for which such teacher is thus qualified from the same fund and in the same manner as other teachers are now paid.

Who may be granted certificate.

Deemed legally qualified.

Am. Id.

(256) § 5805. SEC. 3. Any person who has finished a course of at least two years in music under a private instructor, and who shall pass an examination satisfactory to the musical director of any state normal school in Michigan, may be granted a music teacher's certificate as provided in section two hereof.

Music teacher's certificate.

STUDY OF DANGEROUS DISEASES.

An Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of such diseases.

[Act 146, P. A. 1895.]

The People of the State of Michigan enact:

Instruction,
how given.

(257) § 5807. SECTION 1. There shall be taught in every year in every public school in Michigan the principal modes by which each of the dangerous communicable diseases are spread and the best methods for the restriction and prevention of each such disease. Such instruction shall be given by the aid of text-books on physiology, supplemented by oral and blackboard instruction. From and after July first, nineteen hundred ten, no text-book on physiology shall be adopted for use in the public schools of this state, unless it shall give at least one-eighth of its space to the causes and prevention of dangerous communicable diseases. Text-books used in giving the foregoing instruction shall, before being adopted for use in the public schools, have that portion given to the instruction in communicable diseases approved by the state board of health to the state board of education.

Text-books,
approval of.

Penalty.

(258) § 5808. SEC. 2. Neglect or refusal on the part of any superintendent or teacher to comply with the provisions of this law shall be considered a sufficient cause for dismissal from the school by the school board. Any school board wilfully neglecting or refusing to comply with any of the provisions of this act shall be subject to fine the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in this state, including schools in cities or villages, whether incorporated under special charter or under the general laws.

OPTIONAL COURSE OF MILITARY TRAINING IN HIGH SCHOOLS.

An Act to require the establishment of an optional course of military training in all high schools in this state.

[Act 185, P. A. 1917.]

The People of the State of Michigan enact:

Duty of
boards.

(259) SECTION 1. Hereafter it shall be the duty of all boards of education or boards of trustees of school districts maintaining one or more high schools within their respective districts to establish a course of military training for such high school or schools, such course to be optional with

the students of such high schools: Provided, That nothing herein contained shall apply to cities or villages having less than five thousand population: Provided further, That when less than twenty-five male students elect to take such course, the board of education may discontinue said course until such time as twenty-five male students request the re-establishment of said course.

Proviso.

Further proviso.

(260) SEC. 2. Failure or neglect upon the part of any board of education or board of trustees of any school district to maintain a course of military training, as provided in this act, shall subject said board to removal from office, after a hearing with proper notice, by the state superintendent of public instruction.

Penalty.

TEACHING OF STATE AND UNITED STATES CONSTITUTIONS IN PUBLIC, ETC., SCHOOLS.

An Act to require the teaching of the constitution of the United States and of the state of Michigan in the public and private schools of the state.

[Act 209, P. A. 1921.]

The People of the State of Michigan enact:

(261) SECTION 1. In all public and private schools located within the state of Michigan, commencing with the school year nineteen hundred twenty-one, there shall be given regular courses of instruction in the constitution of the United States and in the constitution of the state of Michigan.

Teaching of constitution required.

(262) SEC. 2. Such instruction in the constitution of the United States and the constitution of the state of Michigan shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the superintendent of public instruction.

Period when taught.

FIRE DRILLS IN SCHOOLS.

[Extract from Act 178, P. A. 1915.]

(263) § 9116. SEC. 10. It shall be the duty of the state fire marshal and deputy and assistant fire marshals to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours, and it shall be the duty of such teachers to comply with these requirements.

Fire drills in schools.

PUBLICATION OF PROCEEDINGS OF ANNUAL
SCHOOL MEETINGS.

An Act to provide for the publication of the proceedings of the annual school meeting, and an annual financial statement in graded school districts in which a newspaper is published, and to provide for the expense thereof. (a)

[Act. 185, P. A. 1897.]

The People of the State of Michigan enact:

Publication
of proceed-
ings, etc.

(264) § 5809. SECTION 1. Previous to the first Monday in August of each year the board of education or board of trustees, as the case may be, of each graded school district in this state shall cause to be published in a newspaper published in said district, or in the county in which said district is located, said newspaper to be designated by said board of education, a complete statement of the proceedings of the annual school meeting, and an itemized financial statement of the receipts and expenditures of said district during the preceding school year, the expense of said publication to be paid out of the general fund of the district and proof of said publication shall be filed in the office of the superintendent of public instruction not later than August fifteenth of each and every year.

Am. 1917, Act 269; 1919, Act 350.

Penalty for
neglect.

(265) § 5810. SEC. 2. If any board of education or board of trustees shall fail or neglect to comply with the provisions of this act each member of any such board shall forfeit the sum of ten dollars upon conviction thereof in any court of competent jurisdiction.

DISPLAY OF U. S. FLAGS.

An Act to provide for the purchase and display of United States flags in connection with the public school buildings within this state.

[Act 56, P. A. 1895.]

The People of the State of Michigan enact:

Flags and
appliances
to be
purchased.

(266) § 5811. SECTION 1. That the board of education or the board of school trustees in the several cities, townships, villages and school districts of this state shall purchase a United States flag of a size not less than four feet two inches by eight feet and made of good flag bunting "A," flag staff and the necessary appliances therefor and shall display said flag upon, near, or in a conspicuous place within,

Time for
displaying.

(a) Title amended 1919, Act 350.

the public school building during school hours and at such other times as to the said board may seem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are collected by law. And the penalties for neglect of duty provided in section two, chapter thirteen of the general school laws, shall apply to any school officer refusing to comply with the provisions of this act.

Expense to be defrayed from school moneys.

Penalty.

OBSERVANCE OF HOLIDAYS.

An Act designating the days to be observed as holidays in the public schools of this state.

[Act 11, P. A. 1911.]

The People of the State of Michigan enact:

(267) § 5823. SECTION 1. The following days, namely, the first day of January, commonly called New Year's day, the thirtieth day of May, commonly called Memorial day, the fourth day of July, commonly called Independence day, the first Monday of September, commonly called Labor day, and the twenty-fifth day of December, commonly called Christmas day, all Saturdays and all days appointed or recommended by the governor of this state or the president of the United States as days of fasting and prayer or thanksgiving shall, in all the public schools of the state, be treated and considered as public holidays and on such above specified days there shall be no school sessions in any of such public schools of this state: Provided, That the salary of school officers and teachers shall be in no way affected by reason of the dismissal of school on any of the above mentioned days: Provided further, That on the following days, namely, the twelfth day of February, commonly called Lincoln's birthday, the twenty-second day of February, commonly called Washington's birthday, the seventeenth day of September, being the date of the adoption of the federal constitution, the twelfth day of October, commonly called Columbus day, the twenty-seventh day of October to be known as Roosevelt's birthday, and the eleventh day of November, commonly called Liberty day, it shall be the duty of all school officers and teachers to have the schools under their respective charge observe such mentioned days, namely, the twelfth day of February, the twenty-second day of February, the seventeenth day of September, the twelfth and twenty-seventh days of October, and the eleventh day of November, by proper and appropriate commemorative exercises, and such days shall not be considered as legal holidays for schools. Any teacher neglecting to perform the duty hereby imposed shall be liable to have

Holidays.

Provido, salaries not affected.

Further proviso, observance of other days.

Penalty for failure to comply.

his or her certificate revoked by the county commissioner of schools or by the superintendent of public instruction.

Am. 1919, Act 72.

Requirement
for eighth
grade
diploma.

(268) § 5824. SEC. 2. Hereafter in all examinations for eighth grade diplomas, all applicants shall be required as a part of said examination to write from memory the first verse of the Star Spangled Banner and the words of America.

An Act to provide for the observance of "Carleton day" in the schools of Michigan.

[Act 51, P. A. 1919.]

The People of the State of Michigan enact:

Carleton
day.

(269) SECTION 1. The twenty-first day of October in each year shall be observed with appropriate exercises in the schools of Michigan as "Carleton day" in memory of Will Carleton, Michigan's pioneer poet. Whenever said twenty-first day of October shall fall on other than a school day, the superintendent of public instruction shall designate the day nearest such twenty-first day of October as "Carleton day." On such day it shall be the duty of each teacher of any grade above the fifth grade to read, or cause to be read, to his or her pupils at least one of the poems of Will Carleton and may, in addition, provide such other proper and fitting observance of such Carleton day as they may desire.

How
observed.

RETURNS FROM ACADEMIES.

An Act requiring certain returns to be made from incorporated academies, and other literary institutions.

[Act 19, S. L. 1839.]

Be it enacted by the Senate and House of Representatives of the State of Michigan:

(270) § 10674. SECTION 1. That it shall be the duty of the president of the board of trustees of every organized academy, or literary or collegiate institution, heretofore incorporated or hereafter to be incorporated, to cause to be made out by the principal instructor, or other proper officer, and forwarded, by mail or otherwise, to the office of the superintendent of public instruction, between the first and fifteenth days of December, in each year, a report, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and

Reports to
be made to
superintend-
ent of public
instruction.

Contents
of report.

the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued, and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and condition of said institutions.

TEACHERS' CERTIFICATES.

An Act to authorize the regents of the university of Michigan to grant teachers' certificates in certain cases, and to repeal act one hundred forty-four of the public acts of eighteen hundred ninety-nine, and all other acts or parts of acts contravening the provisions of this act.

[Act 213, P. A. 1903.]

The People of the State of Michigan enact:

(271) § 5812. SECTION 1. The regents of the university of Michigan, through the faculty of the school of education may grant to every person receiving a bachelor's, master's or doctor's degree, a certificate which shall serve as a legal certificate of qualification to teach in any of the schools of this state, when a copy thereof shall have been filed or recorded in the offices of the legal examining officer or officers of the county, township, city or district where such person expects to teach. Such certificate shall not be liable to be annulled except by the said board of regents; but its effect may be suspended in any county, township, city or district and the holder thereof may be stricken from the list of qualified teachers in such county, township, city or district by the legal examining officer or officers of the said county, township, city or district for any cause and in the same manner that such examining officer or officers may be by law authorized to revoke certificates granted by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending: Provided, That the said board of regents may recognize and give credit for work done in other educational institutions in the science and art of teaching, if said work is equivalent to the work done in the university of Michigan.

Regents
may grant
certificates.

Annulment,
etc.

Proviso,
credits.

Am. 1921, Act 223.

Sec. 2 repeals Act 144, P. A. 1891.

An Act to authorize the state board of education to grant teachers' certificates in certain cases.

[Act 136, P. A. 1893.]

The People of the State of Michigan enact:

Certificates without examination, to whom granted.

Special courses, approval of.

Life certificates.

Limited term certificate.

(272) § 5814. SECTION 1. The state board of education is hereby empowered to grant teachers' certificates without examination to any person who has received a bachelor's, master's or doctor's degree from any college having a course of study actually taught in such college of not less than four years in addition to the preparatory work necessary for admission to the university of Michigan, and in addition to or as a part of such work a course in the science and art of teaching of at least one college year of five and a half hours per week, and in connection with this special course each student shall have had opportunity for observation of the actual work done in the grades of and high schools of the public schools. The special course of study herein prescribed shall have been approved by the state board of education before any graduate of such institution shall receive a teachers' certificate, and before any certificate shall be issued to any person the faculty of such college shall give to the state board of education its recommendation for each student, stating that in the judgment of the faculty the applicant is entitled to receive such certificate and that the applicant has taken the prescribed course in the science and art of teaching and observation of public school work. Each person making application to the state board of education for a teachers' certificate under the provisions of this act shall be thoroughly examined by the faculty of the college and shall be entitled to a diploma from such college. The character of the examination shall be such as to show the qualification and fitness of the person for teaching. If the person making application for such certificate shall furnish to the said state board of education satisfactory proof of having taught successfully for three years prior to graduation from said college, said certificate shall be a life certificate, but if such proof is not furnished said board, then the certificate granted shall be for four years only and a life certificate may at any time thereafter be issued by said board upon the filing with the said board of satisfactory proof that the applicant has taught successfully for three years. Such certificate shall entitle the holder to teach in any of the public schools of this state without examination, provided a copy of said certificate shall have been filed or recorded in the office of the legal examining officer or officers of the county or city in which such person is to teach, and such certificate shall be revoked only by the state board of education and by said board only for cause after a personal hearing of the case.

(273) § 5815. SEC. 2. It shall be the duty of the said board of education to carefully examine any course of study in the science and art of teaching that may be submitted to it by the trustees of any college, and, if satisfactory, to furnish such trustees with a written certificate approving the same.

Duty of board.

(274) § 5816. SEC. 3. If, at any time, the said board of education shall conclude that any college, the graduates of which may desire to receive such certificate, is not giving such instruction in the science and art of teaching and in the other branches as shall be approved by said board, then said board shall so determine by a formal resolution, and shall give notice thereof to the trustees of such college, and thereafter no teachers' certificates shall be given by said board to the graduates of such college until said board shall be satisfied that proper instruction in the science and art of teaching and in [the] other branches is given by such college, and shall certify such fact to the trustees of such college.

When instruction deficient, duty of board.

An Act to authorize the state board of agriculture to grant teachers' certificates in certain cases.

[Act 165, P. A. 1909.]

The People of the State of Michigan enact:

(275) § 5817. SECTION 1. The state board of agriculture, on recommendation of the president and heads of departments of the Michigan agricultural college, is hereby authorized to grant to persons who have completed the regular four-year course in agriculture, together with a course in pedagogics covering at least a half year's special instruction in such subject, a teacher's certificate, which shall serve as a legal qualification to teach agriculture and the related sciences in any of the public schools of this state for the period of three years.

Teacher's certificate, granting of, duration.

(276) § 5818. SEC. 2. Before the certificate herein mentioned shall be valid in any county or city, the holder thereof shall record the same in the office of the legal examining officer of the county or city where such person expects to teach. Such certificate shall not be liable to be annulled, except by the said state board for any cause which would have justified the board in withholding such certificate.

Recording validates.

(277) § 5819. SEC. 3. The secretary of the Michigan agricultural college shall keep a record of all teachers' certificates so granted by said state board of agriculture and shall furnish the superintendent of public instruction annually with a copy of such list.

Record of, by whom kept, etc.

An Act to prohibit the granting of teachers' certificates to other than citizens of the United States.

[Act 220, P. A. 1919.]

The People of the State of Michigan enact:

Who may
not teach.

State
institutions.

Proviso.

Further
proviso.

(278) SECTION 1. No certificate qualifying a person to teach in the public schools of this state shall be granted to any person who is not a citizen of the United States or who has not declared his intention of becoming a citizen. Any certificate granted in contravention of the provisions of this act shall be void. Also it shall be unlawful for the board of control having in charge any state institution of learning to employ therein regularly as a teacher or in any other capacity any person who is not a citizen of the United States: Provided, however, That this requirement shall not apply to persons who are thus actively employed when this act takes effect: Provided further, That this requirement shall not be construed as prohibiting such boards of control from employing for limited periods instructors or lecturers who are citizens of foreign countries.

SUPERVISION OF PRIVATE, ETC., SCHOOLS.

An Act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof.

[Act 302, P. A. 1921.]

The People of the State of Michigan enact:

Private, etc.,
schools, super-
vision of.

Assistants,
may employ.

Removal.

Intent
of act.

(279) SECTION 1. The superintendent of public instruction is hereby given supervision of all the private, denominational and parochial schools of this state in such matters and manner as is hereinafter provided. He shall employ such assistants and employes as may be necessary to comply with the provisions hereof and fix the compensation thereof; the number of assistants and employes and the compensation payable thereto being subject to the approval of the state administrative board. Such salaries and expenses shall be paid by the treasurer of the state of Michigan upon the warrant of the auditor general from the fund as herein designated, at such time and in such manner as other state officers and employes are paid. The superintendent of public instruction shall have the authority to remove any appointee under this act at any time that he may deem such removal advisable. It is the intent of this act that the sanitary conditions of such schools, the courses of study therein, and the qualifications of the

teachers thereof shall be of the same standard as provided by the general school laws of the state.

(280) SEC. 2. A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of sixteen years in the first eight grades as provided for the public schools of the state, such school not being under the exclusive supervision and control of the officials having charge of the public schools of the state. Private, etc.,
schools
defined.

(281) SEC. 3. No person shall teach or give instruction in any of the regular or elementary grade studies in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state: Provided, however, That any person who shall have taught in any elementary school or schools of the standard specified in this act for a period of ten years or more preceding the passage of this act, shall, upon filing proof of service with the superintendent of public instruction, be entitled to a certificate by said superintendent of public instruction in such form as he shall prescribe, to teach in any of the said schools within the state: Provided further, That teaching in such schools shall be equivalent to teaching in the public schools for all purposes in obtaining a certificate: Provided further, That the teachers affected by this act may take any examination as now provided by law and that the superintendent of public instruction may direct such other examinations at such time and place as he may see fit. In all such examinations two sets of questions shall be prepared in subjects ordinarily written on Saturday, one of which sets shall be available for use on Wednesday by applicants who observe Saturday as their Sabbath: Provided further, That any certificate issued under or by virtue of this act shall be valid in any county in this state for the purpose of teaching in the schools operated under this act: Provided further, That any person holding a certificate issued by the authorities of any recognized or accredited normal school, college or university of this or other state shall be entitled to certification as now provided by law: Provided, however, That teachers employed in such private, denominational or parochial schools when this act takes effect shall have until September first, nineteen hundred twenty-five, to obtain a legal certificate as herein provided. Teachers,
qualifications,
etc.

Provido.

Further
proviso.

Further
proviso.

Examina-
tions.

Further
proviso.

Further
proviso.

Provido.

(282) SEC. 4. In event of any violation of this act the superintendent of public instruction shall serve the person, persons, corporation, association or other agencies who operate, maintain and conduct a private, denominational or parochial school within the meaning of this act with a notice, time and place of hearing, such hearing to take place within fifteen days after the date of said notice and at a place located in or conveniently near the county where such violation took place, accompanied by a copy of the complaint stating the Failure
to comply.

Hearing,
when held.

Proviso. substance of said violation: Provided, That no person shall be called to attend any such hearing on any day observed by him as the Sabbath. If at such hearing the superintendent of public instruction shall find that the violation complained of has been established he shall then serve said person, persons, corporation, association or other agencies with an order to comply with the requirements of this act found to have been violated within a reasonable time not to exceed sixty days from the date of such order: Provided, That in the event that such order refers to sanitary conditions that the said person, persons, corporation, association or other agencies shall have six months in which to remedy the defect. If the order of the superintendent of public instruction as specified in said notice shall not have been obeyed within the time specified herein said superintendent of public instruction may close said school and prohibit the said person, persons, corporation, association or other agencies operating or maintaining such private, denominational or parochial school from maintaining said school or from exercising any of the functions hereunder until said order of the superintendent of public instruction has been complied with. The children attending a private, denominational or parochial school refusing to comply with the requirements hereof after proceedings herein set forth shall be compelled to attend the public schools or approved private, denominational or parochial school under the provisions of the compulsory education act, the same being act number two hundred of the public acts of nineteen hundred five, as amended. And it shall be the duty of the person or persons having charge of the enforcement of the said compulsory education act, upon notice from the superintendent of public instruction that said private, denominational or parochial school has not complied with the provisions hereof, to compel the attendance of the children of said school or schools at the public schools or approved private, denominational or parochial school.

Order to comply.

Proviso.

May close school.

Compulsory attendance.

May investigate, etc.

(283) SEC. 5. The superintendent of public instruction by himself, his assistants, or any duly authorized agent, shall have authority at any time to investigate and examine into the conditions of any school operating under this act as to the matters hereinbefore set forth and it shall be the duty of such school to admit such superintendent, his assistants or authorized agents and to submit for examination its sanitary condition, the records of enrollment of pupils, its courses of studies as set forth in section one of this act and the qualifications of its teachers. Any refusal to comply with provisions herein on the part of such school or teacher shall be considered sufficient cause to suspend the operation of said school after proceedings taken as stated in section four of this act.

Appropriation.

(284) SEC. 6. There is hereby appropriated out of the general fund in the state treasury for each of the fiscal years ending June thirty, nineteen hundred twenty-two, and ending

June thirty, nineteen hundred twenty-three, the sum of six thousand dollars to carry out the provisions of this act. The auditor general shall add to and incorporate in the state tax for each of the years nineteen hundred twenty-one, and nineteen hundred twenty-two, the sum of six thousand dollars, which when collected shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

(285) SEC. 7. Nothing in this act contained shall be construed so as to permit any parochial, denominational, or private school to participate in the distribution of the primary school fund.

COUNTY COMMISSIONERS AND SCHOOL EXAMINERS.

An Act to provide for the election of a county commissioner of schools, for the appointment of school examiners, [and] to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act.

[Act 147, P. A. 1891.]

The People of the State of Michigan enact:

(286) § 5877. SECTION 1. At each annual meeting of the several boards of supervisors of the different counties of the state, the said several boards of supervisors shall appoint one examiner who shall hold his office for a period of two years from and after the first day of January following his or her election, or until his successor shall have been appointed and qualified, and said examiner, together with the commissioners of schools, shall constitute a board of school examiners. Any person shall be eligible to the office of examiner who shall hold at least a second grade certificate, and has taught in the public schools at least nine months, or who has the qualifications required of commissioner in section three of this act, except an experience of twelve months as teacher. In case a vacancy shall occur at any time in the office of school examiner, the judge of probate, together with the board of school examiners of the county in which such vacancy shall have occurred, shall, within ten days after the occurrence of such vacancy, appoint some suitable person to fill such vacancy. And the person so appointed shall hold the office for the unexpired portion of the term, or until his or her successor is appointed and has qualified. Within ten days after such commissioners or examiners shall have received legal notice of his or her election, he or she shall take and subscribe the constitutional oath of office, and the same shall be filed with the county clerk. The said county commissioner so appointed, shall execute a bond with two sufficient sureties to be approved by and filed with the county clerk, in the penal sum of one thousand dollars, conditioned that he or

Examiner, appointment of, term, etc.

Eligibility.

Vacancy.

Oath, where filed, etc.

Bond, where filed, etc.

she shall faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all moneys which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and post office address of such county commissioner to the state superintendent of public instruction.

This act supersedes chap. 12 of Act 164 of 1881. As to the election of school examiner under that law, as amended by Act 266 of 1887, see *Conrad v. Stone*, 78/635.

ELECTION OF EXAMINERS: The appointment by a board of supervisors of a member of the board of examiners is the transaction of ordinary business for which a majority of a quorum is sufficient, and the appointee is not required to receive the votes of a majority of all the members elected.—*Howland v. Prentice*, 143/347.

Election of county commissioner of schools.

File oath and bond.

Proviso, as to Chippewa county.

Proviso, as to Lake county.

Eligibility.

(287) § 5878. SEC. 2. There shall be elected at the election held on the first Monday in April, nineteen hundred three, and every fourth year thereafter, in each county, one commissioner of schools, whose term of office shall commence on the first day of July, next following his or her election, and who shall continue in office four years, or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected, his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the superintendent of public instruction in all respects as provided in section one of this act: Provided, That in the county of Chippewa the commissioner of schools heretofore elected on the first Monday in April, nineteen hundred three, shall hold office until the first day of January, nineteen hundred nine, or until his successor shall be elected and qualified. Hereafter in the said county of Chippewa, a commissioner of schools shall be elected at the general election to be held in November, nineteen hundred eight, and every fourth year thereafter, whose term of office shall commence on the first day of January next following his or her election: Provided, That in the county of Lake the commissioner of schools heretofore elected on the first Monday in April, nineteen hundred seven, shall hold office until the first day of January, nineteen hundred eleven, or until his successor shall be elected and qualified. Hereafter in the said county of Lake, a commissioner of schools shall be elected at the general election to be held in nineteen hundred ten and every fourth year thereafter, whose term shall commence on the first day of January next following his or her election.

Note.—See section 11, chapter 2, Act 203, P. A. 1917, as amended by Act 2, P. A. 1919, as to the election of county commissioner of schools.

(288) § 5879. SEC. 3. Persons eligible to hold the office of commissioner of schools must possess the following qualifications:

(.) Twelve months experience as a teacher in the public schools of this state;

(b) Must be a graduate of the literary department of some reputable college, university, or state normal school having a course of at least three years: Provided, That the holder of a state teacher's certificate, or of an indorsed first grade certificate, or of a certificate granted in another state and indorsed by the state board of education of this state, shall be eligible in any county: Provided further, That persons who now hold the office of commissioner of schools shall be eligible to succeed themselves: Provided further, That in counties employing less than fifty teachers a person holding at the time of his or her election a second grade certificate shall be eligible in the county where such certificate was granted, unless a person qualified as heretofore provided cannot be secured to fill the position.

Proviso,
teacher's
certificate.

Further
proviso.

Further
proviso.

QUALIFICATIONS OF COMMISSIONER: A high school is not a college within the meaning of this section. A special first grade certificate not granted at one of the regular public examinations provided for by law, or one granted without any examination, or one granted upon public examination after election as commissioner, does not qualify. Holding the office of secretary of the board of examiners under Act 266 of 1887 (amendatory of ch. 12 of the primary school law, now superseded) is not a qualification.—*People v. Howlett, 94/165.* The legislative intent is to keep up the standard of teachers by requiring certain educational qualifications in the persons whose duty it is to examine the teachers and determine their fitness for their work.—*People v. Howlett, 94/169.* In the case of *Attorney General v. Lewis, 151/81,* it was held that persons elected to the office of commissioner, and, holding the same after the amendment of 1895, are eligible, since the statute is still the act of 1891 notwithstanding its amendments.

(289) § 5880. SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examinations shall begin on the last Thursday of April and the second Thursday of August of each year. From these two examinations certificates of all grades may be granted. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding such examinations and to cause it to be published in one or more newspapers of the county at least ten days before each examination.

Two regular
examinations
each year.

Schedule
published.

People v. Howlett, 94/170.

(290) § 5881. SEC. 5. The board of school examiners shall meet on the Saturday of the week following each public examination held according to the provisions of section four of this act, and shall grant certificates to teachers in such form as the superintendent of public instruction shall prescribe, licensing as teachers all persons who have attained the age of eighteen years, who have attended such public examinations and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school, but no certificate shall be granted to any person who shall not have passed a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and

Certificates,
when granted.

art of teaching, United States history, civil government, physiology and hygiene with reference to the effect of alcoholic drinks and narcotics upon the human system, school law, agriculture, and the course of study for the district schools of Michigan prepared by the superintendent of public instruction: Provided, That no certificate shall be granted under the provisions of this act to any person who shall not have completed a term of at least six weeks' work in professional training in a state normal school or in one of the county normal training classes of the state or any normal training school conducted by any municipality in the state, or in any school approved by the state superintendent of public instruction; but the completion of one-half year of work in a school maintaining four years' of work above high school rank shall be accepted in lieu of this requirement. This proviso, however, shall not apply to persons who have taught in the schools of the state for at least five months prior to July one, nineteen hundred sixteen: Provided, That no certificate shall be granted under the provisions of this act after September first, nineteen hundred twenty-five, to any person who shall not have completed one year's work in professional training in a state normal school, or in one of the county normal training classes of the state, or any normal training school conducted by any municipality in the state, or in any school approved by the superintendent of public instruction, above an approved four year high school course, in any school specified herein for one year of professional training: Provided further, That any commissioner may, upon the request of any holder of a second or third grade certificate, send the papers written by such person, properly certified and under seal, to the county board of school examiners of any other county for its examination, and such board of school examiners may in its discretion, receive such papers and if it accept them shall treat them in the same manner as if written at a public examination in its own county: Provided further, That the board of examiners shall have the right to renew a second or third grade certificate without examination of any person who shall have previously attained an average standing of at least eighty-five per cent in all the studies covered in two or more previous examinations, and who shall have been since such last named examination continuously and successfully teaching in the public schools, but no renewal of a second or third grade certificate shall be granted after September first, nineteen hundred twenty-five, to any person who shall not have completed a term or terms of at least twelve weeks' professional training, in such school or schools as designated for six weeks' professional training specified in this section, since the last certificate was issued to said person either by renewal or upon examination: Provided further, That an indorsed first grade certificate may be renewed in the county where issued or in the county where the holder may be teaching at the

Proviso.

Proviso.

Further proviso.

Further proviso, second or third grade certificate.

Further proviso.

time of its expiration, without examination, if the applicant for such renewal shall have previously attained an average standing of at least eighty-five per cent in all studies covered in two or more previous examinations, and shall have been since such last named examination continuously and successfully teaching in the public schools, but no renewal of a first grade certificate shall be granted after September first, nineteen hundred twenty-five, to any person who shall not have completed a term or terms of at least eighteen weeks of professional training, in such school or schools as designated for six weeks' professional training specified in this section, since the last certificate was issued to said person either by renewal or upon examination: Provided further, That in granting renewals under this act, attendance at a reputable university, college, or normal school during the regular school year shall be counted in lieu of teaching for the same period: Provided further, That any teacher who has completed two years of professional training shall not be required to take further professional training to secure a renewal of his certificate; also, any teacher who shall furnish proof to the superintendent of public instruction of five years of successful teaching previous to the passage of this act, the last three years of which have been continuous, shall be granted a renewal of a certificate without complying with the requirements for professional training herein designated. All certificates shall be signed by the county commissioner and by at least one of the members of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools under the provisions of this act who has not a certificate in force granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the superintendent of public instruction to the county commissioner, under seal, to be opened in the presence of the applicants for certificates on the day of examination.

Further proviso.

Further proviso.

Who considered teacher.

Questions.

Am. 1921, Act 186.

People v. Howlett, 94/170; O'Leary v. Sch. Dist., 118/469.

A contract is invalid, unless the teacher, at the time of making the same, has a certificate authorizing her to teach during the term covered by the contract.—McClosky v. School Dist. No. 5, 134/235.

(291) § 5882. Sec. 6. There shall be three grades of certificates granted by the board of school examiners in its discretion and subject to such rules and regulations as the superintendent of public instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who have taught at least one year with ability and success, and it shall be valid throughout the state for four years: Provided, That all examination papers for first grade certificates favorably passed upon by the board of examiners, together with such certificate, shall be forwarded to the superintendent of public instruction with-

Grades of certificates.

First grade.

Proviso.

Further proviso.

Further proviso, how validated outside county.

Second grade.

Third grade.
Class A.

Class B.

When certificates expire.

Special certificate.

Proviso.

in ten days from date of examination for inspection: Provided further, That any applicant for a first grade certificate who feels that the county board of school examiners has not given his papers the credit due them, may order them sent to the state superintendent of public instruction for inspection; and if the standings given by the state superintendent of public instruction are sufficient for his indorsement of the certificate, the county board of school examiners shall issue such certificate, unless it shall give reasons satisfactory to the superintendent of public instruction for withholding the same: And provided further, That no first grade certificate shall be valid in any county other than that in which it is granted, unless approved and countersigned by the superintendent of public instruction and a copy filed with the county commissioner in the county in which the holder of said certificate desires to teach. The certificate of the second grade shall be granted only to those who shall have taught at least seven months with ability and success, and it shall be valid throughout the county for which it shall be granted for three years, and such certificate may be transferred to another county as provided in section five of this act. The certificates of the third grade shall be divided into two classes known as A and B. Third grade certificates of class A shall be granted only to persons who have taught successfully and continuously for at least three years next preceding the examination in primary departments of graded schools, and the certificate of this class shall entitle the holder to teach in primary departments of graded schools only. Third grade certificates of class B shall license the holder to teach in any school of the county in which it shall be granted for one year, and such certificate may be transferred to another county in the same manner that second grade certificates are transferred in section five of this act; but no more than three certificates of this class shall be granted to the same person. Certificates granted under the provisions of this act shall expire on June thirtieth; those certificates that are granted on the examination held on the last Thursday of April shall expire in one year, three years, or four years, according to the grade of the certificate, from June thirtieth following the April examination; those that are granted on the examination held the second Thursday of August shall expire in one year, three years, or four years, according to the grade of the certificate, from June thirtieth immediately preceding the August examination. A special certificate issued by the county commissioner of schools shall expire June thirtieth following the date of its granting: Provided, That there shall be no public examination conducted by the board of school examiners for teachers under the provisions of this act after the teachers' examination held on the second Thursday of August, nineteen hundred twenty-five, unless it is deemed necessary by the superintendent of public instruction to supply teachers for the schools of this state, in

which case he may require the county school examiners to conduct teachers' examinations and grant certificates as provided in this act previous to September first, nineteen hundred twenty-five. After September first, nineteen hundred twenty-five, the board of school examiners on the dates specified in this act for the issuing of certificates, and on such other dates as the commissioner shall deem advisable, shall grant certificates without examination, to persons, in such form as the superintendent of public instruction shall prescribe, licensing as teachers all persons who have attained the age of eighteen years, and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school. Said board shall grant third grade certificates to those persons who shall have completed a minimum of one year of professional training; said board shall grant second grade certificates to those persons who shall have completed at least one and one-third years of professional training; and said board shall grant first grade certificates to those persons who shall have completed at least one and two-thirds years of professional training in such school or schools as designated for six weeks' professional training in section five of this act: Provided further, That until September first, nineteen hundred twenty-five, the county commissioner shall have power, upon personal examination in the third grade branches satisfactory to himself or herself, to grant certificates which shall license the holder thereof to teach in a specified district for which it shall be granted, and in no case shall a second special certificate be granted the same person within three years.

When granted without examination.

Third grade certificates.

Second grade certificates.

First grade certificates.

Further proviso.

Am. Id.

CERTIFICATES: A certificate issued to one who has not taken an examination at all and whose qualifications are not ascertained upon an examination, is not such a certificate as the law provides for.—*People v. Howlett, 94/170-1*. The action of the board of examiners in refusing a certificate cannot be questioned by the rejected applicant in a suit to recover wages she would have earned under her contract but for such adverse action.—*Lee v. Sch. Dist., 71/361*. A certificate, issued for three years, cannot be legally extended by the secretary, by being changed to read for four years, after the board of examiners who issued it have gone out of office.—*Bryan v. Sch. Dist., 111/67*.

SPECIAL CERTIFICATES: The secretary of the board (under the old law) had no right, after the refusal of the board to grant a certificate, to issue a special certificate to the rejected applicant.—*Lee v. Sch. Dist., 71/361*. The object of a special certificate is to bridge over the time between the commencement of a school and the next meeting of the examiners and such a certificate has life only until the next regular examination.—*Id.*; *People v. Howlett, 94/170*.

(292) § 5883. **SEC. 7.** The board of school examiners may suspend or revoke any teacher's certificate issued by them for neglect of duty, incompetency, or immorality, or for any other reason which would have justified said board in withholding the same when given, and said board may suspend the effect of any teacher's certificate granted by the county commissioner of schools which said certificate licenses the holder thereof to teach in a specified district for which it shall be granted. Whenever written charges accusing any teacher of neglect of duty, incompetency, or immorality shall be filed with the county commissioner of schools, said commissioner

Revocation of certificates.

Duty of commissioner when charges preferred.

shall immediately notify said accused teacher that charges have been filed against him and shall attach to such notice a certified copy of said charges together with the name or names of the person or persons filing the same, and said commissioner may, and on the written demand of the accused teacher shall, within twenty days after the filing of said charges, call a meeting of the board of school examiners of the county and shall summon the teacher, against whom charges have been preferred, and also summon any witnesses who may have knowledge of the facts, to appear before said board of examiners on the date mentioned in the summons. Said summons shall have the force of a summons or subpoena at law. On the day set for the meeting of the board of examiners, said board shall proceed to hear the case. The chairman of said board shall have authority to administer an oath to the several witnesses and examine them under oath if he deems it advisable. The board of examiners shall proceed to examine the party charged and the witnesses for and against said party, and if it shall appear that the charges made are true, then the said board shall have authority to suspend or revoke the certificate of the accused: Provided, That no certificate shall be suspended or revoked without a personal hearing, unless the holder thereof shall, after a reasonable notice, neglect or refuse to appear before the said board for that purpose: And provided further, That any person summoned to appear before the board of examiners for the purposes mentioned herein and who shall fail to appear before said board on the day specified in the summons, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined a sum not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not more than twenty days or both such fine and imprisonment in the discretion of the court. The county commissioner of schools in any county shall have authority to temporarily suspend the force of any teacher's certificate when from his personal inspection of the work of said teacher, or from his personal knowledge, he is satisfied that such teacher has been guilty of wilful neglect of duty or is incompetent to instruct or govern the school, or has been guilty of gross immorality. The county commissioner of schools shall, upon suspending the force of any teacher's certificate, immediately, and within ten days thereafter, call a meeting of the board of school examiners and summon said teacher to appear before said board to show cause why his or her certificate should not be indefinitely suspended or revoked: Provided further, however, That it shall be the duty of the board of school examiners to file in the office of the county school commissioner its decision within ten days after the close of any hearing above mentioned, and it shall be the duty of the county school commissioner within five days after the filing of said decision to mail a copy thereof to said

Duty of board at hearing.

Proviso.

Proviso, non-appearance.

Temporary suspension of certificate.

To summon teacher before board.

Proviso, filing decision.

teacher: Provided further, however, That any teacher who feels aggrieved at the decision of the county board of school examiners may, within twenty days after the filing of such decision, take an appeal to the probate court of said county, who is hereby authorized to hear and determine said cause.

Proviso, appeal to probate court.

Carver v. Sch. Dist., 113/524.

IMMORALITY: A communication representing that a certain person was of bad moral character and unfit to have the care of a school, made in good faith for the purpose of preventing such person's teaching the school, is privileged and is justified by proof that he is a blasphemer, habitually profane and a Sabbath-breaker.—Wieman v. Mabee, 45/484.

(293) § 5884. SEC. 8. It shall be the duty of the county commissioner:

Duty of commissioner.

First, Immediately after his or her qualification as commissioner, to send notice thereof to the superintendent of public instruction;

Second, To keep a record of all examinations held by the board of school examiners and to sign all certificates and other papers and reports issued by the board, and to keep a record of all meetings of the board of examiners and of all hearings for the suspension or revocation of any teacher's certificate, and to call meetings of the board of examiners at such other times than those mentioned in section five of this act as he may deem best;

Examinations, certificates, etc.

Third, To receive the institute fee provided by law and to pay the same to the county treasurer quarterly, beginning September thirtieth in each year;

Fee.

Fourth, To keep a record of all certificates granted, suspended, revoked or transferred by the said board or commissioner, showing to whom issued, together with the date, grade, duration of each certificate, and, if suspended or revoked, with the date and the reason therefor;

Record of certificates.

Fifth, To furnish, previous to the third Monday in July in each year, to the township clerk of each township in the county, and to each of the officers of every school district in the county, a list of all persons legally authorized to teach in the county at large during the preceding school year, and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation;

List of authorized teachers.

Sixth, To visit each of the schools of the county at least once in each year and to examine carefully the discipline, the mode of instruction, the text-books used, the apparatus belonging to the school, the library, the progress and the proficiency of the pupils, the skill and efficiency of the teacher, the condition of the school property, and whether the attendance at school is in compliance with law, and to make a careful record of these items and report the same to the director of each district: Provided, That in counties containing one hundred or more schoolrooms, the commissioner of schools is hereby authorized to appoint a clerk, who shall perform such duties as said commissioner shall direct, except visiting

Examinations.

Proviso.

Further proviso.

schools: Provided further, In counties having from one hundred to one hundred and fifty schoolrooms the whole expense incurred for such clerk shall not exceed three hundred dollars in any one year and in counties having more than one hundred and fifty schoolrooms the whole expense incurred for such clerk shall not exceed four hundred dollars in any one year: Provided further, That nothing in this act contained shall operate to restrict the board of supervisors of any county from paying such greater sums than herein provided as said boards may deem just and necessary;

Further proviso.

Seventh, To counsel with the teachers and school boards as to the course of study to be adopted and pursued, and as to any improvement in the discipline, instruction and management of the school, and he may examine and audit the books and the records of any school district at any time when directed to do so by the superintendent of public instruction or by application of any school board;

Institutes, etc.

Eighth, To promote by such means as he or she may devise, the improvement of the schools in the county, and the elevation of the character and qualifications of the teachers and officers thereof, and act as assistant conductor of institutes appointed by the superintendent of public instruction, and perform such other duties pertaining thereto as said superintendent shall require;

To examine reports.

Ninth, To receive the duplicate annual reports of the several township clerks, examine into the correctness of the same, requiring them to be amended when necessary, endorse his or her approval upon them, and immediately thereafter, and before the fifteenth day of September in each year, transmit to the superintendent of public instruction one copy of each of said reports and file the other in the office of the county clerk;

Tenth, To be subject to such instruction and rules as the superintendent of public instruction may prescribe, to receive all blanks and communications that may be sent to him or her by the superintendent of public instruction, and to dispose of the same as directed by the said superintendent, and to make annual reports at the close of the school year to the superintendent of public instruction of his or her official labors, and of the schools of the county together with such other information as may be required;

Eleventh, To perform such other duties as may be required of him or her by law, and at the close of the term of office to deliver all records, books, and papers belonging to the office to his or her successor.

Section 9 was repealed, 1909, Act 222.

Compensation of commissioner, how fixed.

(294) § 5885. SEC. 10. The compensation of each county commissioner of schools shall be determined by the board of supervisors of each county, respectively, but the compensation shall not be fixed at a sum less than five hundred dollars

per annum in any county where there are thirty schoolrooms; at not less than seven hundred fifty dollars per annum where there are more than seventy schoolrooms; at not less than one thousand dollars per annum where there are one hundred schoolrooms and not less than twelve hundred dollars where there are one hundred twenty-five schoolrooms; not less than thirteen hundred fifty dollars where there are one hundred fifty schoolrooms; not less than fifteen hundred dollars where there are one hundred seventy-five schoolrooms; not less than two thousand dollars per annum where there are over three hundred schoolrooms; in estimating the number of schoolrooms in any county, all graded schools whether operating under a general or special charter shall be included. Each member of the board of school examiners, other than the county commissioner, shall receive four dollars for each day actually employed in the duties of his office and his actual and necessary traveling expenses incurred in the discharge of his official duties in his own county. The compensation of any clerk when appointed as provided in this act shall be determined by the county commissioner. The compensation of members of the county board of school examiners and of any clerk appointed by the county commissioner shall be paid monthly from the county treasury upon such examiner or clerk filing with the county clerk a certified statement of his or her account which shall give in separate items the nature and amount of the service for which compensation is claimed. The compensation of the county commissioner shall be paid monthly from the county treasury: Proviso. Provided, That in no case shall the county commissioner receive any order for compensation from the county clerk until he has filed a certified statement from the superintendent of public instruction that all reports required of the county commissioner have been properly made and filed with said superintendent: Further proviso, detailed statement. Provided further, That no county commissioner shall receive an order for compensation until he shall have filed with the county clerk a detailed statement under oath showing what schools have been visited by him during the preceding month and what amount of time was employed in each school, naming the township and school district. The actual and necessary traveling expenses of the commissioner incurred in the discharge of his official duties in his own county and the necessary and all contingent expenses for printing, postage, stationery, record books, grading registers, telephone rental, rent of rooms for public examinations, teachers' or school officers' meetings, shall be audited and allowed by the board of supervisors or the county board of auditors.

Am. 1917, Act 21.

ASSISTANT VISITOR: Mandamus to compel the payment of an assistant visitor of schools for services rendered under this act, was denied, when the commissioner had not determined the compensation as required.—Hicks v. Wayne Co. Auditors, 97/611.

Who shall not
act as agent.

(295) § 5886. SEC. 11. No superintendent of public instruction, instructor at institute, county commissioner or examiner, shall act as agent for the sale of any school furniture, text-books, maps, charts or other school apparatus.

Vacancy,
how filled.

(296) § 5887. SEC. 12. Whenever by death, resignation or removal from office, or otherwise, a vacancy shall occur in the office of county commissioner of schools, the county clerk shall issue a call to the board of supervisors of the county and said board shall meet at the office of the county clerk on a date to be named in said notice, not more than ten days from the date of such notice, and said board shall appoint a person who is qualified according to statute to fill the vacancy for the unexpired portion of the term of office.

Sec. 5. of chap iv of Act 203, P. A. 1917 (the election code), provides that in case of vacancies in any county office, other than county clerk and prosecuting attorney, the judge of probate, county clerk and prosecuting attorney shall appoint some suitable person to fill such vacancy, and the person so appointed shall hold such office for the remainder of the unexpired term.

Teachers, em-
ployment of.

(297) § 5888. SEC. 13. The officers of every school district, except as hereinafter provided, which is, or shall hereafter be, organized in whole or in part in any city or village in this state, which is incorporated under the general laws or by special enactment, in which enactment special provisions exist in regard to licensing teachers, shall employ only such teachers as are legally qualified under the preceding sections of this act: Provided, That in incorporated cities employing a principal of the high school and also a superintendent of schools who gives not less than one-third of his or her time to school supervision, the superintendent of schools and the board of education or a committee thereof shall be empowered to examine their teachers and grant certificates to such as are not already legally qualified, at such times and in such form as the superintendent of public instruction shall prescribe: Provided further, That no teacher shall be licensed to teach in any school or schools of this state by any officer, board or other authority, including every school or school district, regardless of whether existing or created under general or special law, unless the license or certificate is granted at such times and in accordance with such terms and conditions as shall be prescribed by the superintendent of public instruction: Provided further, That cities having a special and thoroughly equipped normal training department, under control of a special training teacher, such school having a course of not less than one year, shall be exempt from the provisions of this section as to the examination of teachers. Any board of education that shall violate the provisions of this act by employing a teacher who is not legally qualified, shall forfeit such a proportion of the primary school interest fund as the number of unqualified teachers employed bears to the whole number of teachers employed in the district. All school districts organized by special enactments shall, through

Proviso.

Further
proviso.

Further
proviso.

their proper officers, make such reports as the superintendent of public instruction may require.

Section 14 repeals "all acts or parts of acts conflicting with the provisions of this act." As to one effect of this repeal, see *Perrizo v. Kesler*, 93/284.

EXAMINATION FOR ADMISSION TO AGRICULTURAL COLLEGE.

An Act to provide for the examination of candidates for admission to the agricultural college by county commissioners of schools.

[Act 101, P. A. 1895.]

The People of the State of Michigan enact:

(298) § 5890. SECTION 1. That it shall be the duty of the state superintendent of public instruction to secure, at least twice each year, from the president of the Michigan agricultural college, a set of examination questions in all the studies required for admission to said college. It shall also be the duty of the state superintendent of public instruction to send a printed list of said examination questions to each county commissioner of schools.

Duty of state superintendent of public instruction.

(299) § 5891. SEC. 2. It shall be the duty of each county commissioner of schools to give public notice of this examination at the time of all regular teachers' examinations, and to submit the questions aforesaid to any candidate who may desire to enter the agricultural college. The examination shall be conducted in the same manner as are the regular teachers' examinations of the county. The work of each and every candidate, together with the name and address, shall be forwarded by the commissioner, within five days from the date of the examination, to the president of the college, who shall examine and grade the answers and report to the candidate within five days of the receipt of the paper the result of the examination. A standing of seventy per cent in each branch will admit to freshman class of the college without further examination.

Commissioner to give notice of examination.

Examination, how conducted.

MEETING OF SCHOOL OFFICERS OF COUNTY.

An Act to authorize the county commissioner of schools in each county to call a meeting of the school officers of the county.

[Act 112, P. A. 1909.]

The People of the State of Michigan enact:

(300) § 5820. SECTION 1. Each county commissioner of schools in the state of Michigan shall call a meeting of the

Meeting of school officers of county.

school officers of his county at least once every two years, said meeting to be held at the county seat or some other convenient place in the county for the purpose of consultation, advice and instruction upon matters pertaining to the management and welfare of the public schools of the county. The call for said meeting shall include every board of education in the county, whether rural or city.

Am. 1919, Act 46.

Call, what to include.

Who shall attend.

Expenses allowed.

Certificate of attendance.

(301) § 5821. SEC. 2. The school board or board of education shall attend such meeting. The school board or board of education attending such meeting shall be allowed and paid the actual traveling expenses going to and returning from said meeting, said sum to be paid from the general fund in the treasury of the school district. The county commissioner of schools shall issue to each member in attendance a certificate of attendance which shall be filed with the director or secretary of the board, and when filed shall serve as a basis of evidence for drawing the order for expenses of each member of the board.

Am. Id.

Superintendent of public instruction, duty of.

(302) § 5822. SEC. 3. It shall be the duty of the superintendent of public instruction to assist the county commissioner of schools in conducting said meeting of school officers, and he shall attend said meeting either in person or by representative.

TOWNSHIP SCHOOL DISTRICTS.

An Act to provide for the organization and disbandment of township school districts in the state of Michigan. (a)

[Act 117, P. A. 1909.]

The People of the State of Michigan enact:

Single school district.

(303) § 5909. SECTION 1. Whenever a majority of the qualified school electors in any organized township present and voting, votes in favor of organizing said township into a single school district, such township shall, after the election of trustees as hereinafter provided, be a single school district and shall be governed by the provisions of this act, and in case there are one or more graded school districts in the township having a population of fifteen hundred or less, the qualified school electors in such graded districts shall have the right to sign the petition hereinafter mentioned, and vote on the question of the establishment of such township district, and such graded districts shall become a part of the township

(a) Title am. 1919, Act 354.

district: Provided, however, That any graded school district, the schoolhouse of which is more than two miles from the geographical center of said township, and maintaining a school of ten grades or more shall not be included in such township school district, nor shall it take part in the signing of petitions and the voting to form a township school district as herein provided unless there is first secured the consent of a majority of the legal school electors of such graded school district present and voting at an annual or special meeting held for that purpose. A record of the vote of such annual or special meeting shall be spread upon the records of said district and a copy of such records shall be placed on file in the office of the clerk of the township to which the reports of said district are made. The question of changing any organized township into a single school district to be governed by the provisions of this act, shall not be submitted to the qualified school electors of said township until a petition therefor, signed by one-fourth of the qualified school electors of such township, requesting the submission of such proposition, shall be filed in the office of the township clerk. Upon the receipt and filing of such petition, it shall be the duty of the township clerk to call a meeting of the township board and it shall be the duty of the township board of such township to attend such meeting, which shall be held not more than five days after the filing of such petition. It shall be the duty of the said township board at such meeting to consider the said petition with the names appearing thereon, and if it be found and determined that one-fourth of the qualified school electors of said township have signed the said petition requesting that the said township of which they are residents be organized as a single school district under the provisions of this act, it shall be the duty of the township board to call an election at which the question of the organization of the said township into a single school district shall be submitted to the qualified school electors of such township. Such election shall be called by the township board within thirty days after the meeting of the township board at which it is determined that the petition herein provided for is sufficient: Provided, however, That if any such petition is determined to be sufficient not more than four months and not less than twenty days prior to the annual township election, such question shall be submitted at the annual township election. Notice of such election, whether it be of a special or of the annual election, shall be given by the township board by posting notices thereof at least twenty days prior to date of said election in at least five public places in the township and at least one notice in each organized school district in the township, which notice shall state that at such election, giving the date, the question of the organization of the township into a single school district shall be submitted to the qualified school electors of the town-

Proviso,
schools not
included.

Record
of vote.

When
question
submitted.

Clerk to
call meeting.

Duty of
board.

Election,
when called.

Proviso.

Notice.

What to
state.

Ballot,
form of.

ship. The ballots upon which such question shall be submitted shall be in the following form: Shall (name of township) township be organized into a single school district? () Yes. Shall (name of township) township be organized into a single school district? () No. Each ballot which has a cross marked in the square to the left of the word "Yes" on any such ballot shall be counted in favor of the organization of such township into a single school district, and each ballot which has a cross marked in the square to the left of the word "No" shall be counted against the organization of such township into a single school district. Any such election shall be conducted by the township board of election inspectors in the same manner in all respects and the ballots shall be taken, counted, and canvassed in the same manner that is now provided for the counting of ballots under the general election law. Whenever a majority of the qualified school electors voting in any township votes in favor of the organization of any township into a single school district, it shall be the duty of the township board to call a township election within fifteen days, at which election the trustees for the township school district shall be elected by the qualified school electors of such township. Ten days' notice of such election shall be given by the township board by posting notices thereof in at least five public places in the township and at least one notice in each organized school district that on the day named in the notice trustees for the township school district will be elected, and it shall be the duty of the township board of election inspectors of such township to conduct such first election and perform such duties in connection therewith as may be necessary to carry out the provisions of this act: Provided, That if in such township, or as a part of such township, there are fractional school districts already organized, the schoolhouse of which is within the boundaries of the township, such fractional districts shall be considered a part of the township for school purposes, and qualified school electors residing anywhere in such fractional school districts shall be qualified to sign the petition for or vote upon the question of the organization of the township district: Provided further, That qualified school electors residing in fractional districts of the township, the schoolhouse of which is without the township, shall not be qualified to sign the petition for or vote upon the question of the organization of the township school district. The township board shall make and file, both with the county clerk and with the county commissioner of schools of the county in which such township is located, a certified copy of the above mentioned petition together with its findings and decision thereon, and when the trustees or district officers shall have been duly elected and shall have filed a written acceptance of office with the township clerk of such township and shall have complied with the general provisions of this act pertaining to the elec-

How conducted.

Trustees,
election of.Notice of
election.Proviso,
fractional
districts.Further
proviso.Filing of
certified copy
of petition.

tion and acceptance of school officers, the said board of education shall immediately become the custodian of all the property pertaining to the public schools of the township and shall have all the powers and privileges conferred upon school officers by the general laws of this state, and said general laws shall apply and be in force in such district in all particulars not otherwise provided for in this act: Provided, That immediately upon the organization of the board of education herein provided for said board shall call a meeting of the officers of the school districts of the township as heretofore existing, if any, and at such meeting there shall be an accounting of the property, records, and funds of such districts and a settlement of the same, and the officers of the several school districts of the township as heretofore existing shall immediately thereafter turn over to the said board of education all the books, records, money, property, and other matter or material in their possession and belonging to the public schools of their respective districts to the township board of education and said board shall give to such officers proper receipts, and the secretary of said board of education shall place a full statement of such several settlements in the records of the board of education for said township.

Proviso.

Am. 1921, Act 133.

Acts of a municipal corporation may not be defeated by a collateral attack upon the regularity of its organization so as to prevent a bond issue by the defendant school district because the proceedings to organize the school district were invalid.—Connine v. Smith, 190/632.

(304) SEC. 1a. Whenever any township school district has been organized as provided in this act, and such organization shall have been in existence for a period of five years or longer, the qualified school electors of such township shall have the right to disband such township organization. The question of the disbandment of such township school district shall be submitted to the qualified school electors of said township upon the presentation of a petition therefor signed by one-fourth of the qualified school electors of such township requesting the submission of such question, said petition to be filed in the office of the township clerk. Upon the filing of such petition, all of the provisions of section one, insofar as they can be made applicable, relative to the submission of the question of organization of a township school district shall apply to the holding of the election, the furnishing, taking, counting and canvassing of ballots, and to all other things necessary for a determination of the question of disbandment. The ballots upon which such question shall be submitted shall be in the following form:

Disbandment

Referendum by petition.

Holding of election.

Form of ballot.

Shall the township school district of township be disbanded and the township re-districted into separate school districts?

Yes ().

Shall the township school district of township

be disbanded and the township re-districted into separate school districts?

No ().

Date of
disbandment.

If a majority of the school electors of such township voting at such election votes in favor of the proposition, such township school district shall, after the second Monday in July subsequent to such election, be considered disbanded. It shall thereupon become the duty of the township board to re-district such township, following as closely as possible the territorial limits of the various school districts existing within such township at the time of the organization of the township school district, and such district shall thereupon be governed by the provisions of the general school laws. Immediately following such re-districting by the township board, it shall be the duty of the board of education of such township school district to turn over to the township board all of the property, records and funds of such district and such township board shall do all things necessary to provide for the distribution of such property, funds and other matter or material possessed by said township school district equally and pro rata amongst the new districts created in said township, and thereby such township school district, as such, shall cease to exist, and such new districts created shall become possessed of all of the right, powers and duties now conferred by general law upon school districts.

Turning over
of property.

Added 1919, Act 354.

Exemption.

(305) § 5910. SEC. 2. All cities organized as school districts and all graded school districts having a population of more than nine hundred shall be exempt from the provisions of this act. Their boundaries shall remain the same and they shall continue to administer the public schools of such city or graded district in the same manner as heretofore provided by statute: Provided, That if any such city or graded school district shall desire to give up its own organization as a school district and become a part of the township district, and such district and the other district or districts of the township shall respectively so express themselves by ballot by a majority vote of the legal voters of each district at an annual or special meeting of such districts, the superintendent of public instruction shall have authority to declare the organization of such city or graded school district for school purposes dissolved, and he shall make such declaration in writing and serve the same upon the officers of the township district and upon the officers of such city or graded district, and such officers shall immediately turn over to the board of education of such township all the building, property, appurtenances, money, and material heretofore belonging to such city or graded district to the board of education of the township district, and thereafter such city or graded district shall be a part of the township district and controlled by the township

Proviso.

board of education as herein provided: Provided further, That where fractional school districts have been organized heretofore the organization of the township district for school purposes shall conform to the boundaries of such school districts, and that the said fractional districts shall become a part of the township district in which the schoolhouse of such district is located, and that in the election of school officers said boundaries shall be recognized by the officers of the township: Provided further, That in any case where a fractional district has been organized heretofore, such territory may be divided so that the township school district boundary lines shall conform to the township boundary lines, said division being made in their discretion by the township boards of the townships in which the territory may be located, said boards meeting in joint session for such purpose. When such division has been made, the township boards at said joint meeting shall immediately proceed to make an equitable division of the property, and money, if any, belonging to such district between the townships in which such district was located. The township clerk of the township in which the schoolhouse of such fractional school district is located shall give at least ten days' notice to the township clerk of the other townships interested of the time and place of such meeting, and each township clerk upon receiving such notice shall notify each member of the township board of his township of the time and place of such meeting. The joint meeting of the township boards when assembled shall elect from their number a chairman and a clerk, and a majority of the joint board shall be necessary to determine all questions submitted. The clerk of said joint board shall provide each township clerk with an exact record of the proceedings of said meeting.

Further proviso.

Further proviso

Township clerk to give notice.

(306) § 5911. SEC. 3. The officers of said township district shall consist of five trustees elected at large who shall constitute the board of education of said district and a regular term of office shall be three years. Any person in the district qualified under the general school laws to hold a school office shall be eligible to election or appointment to office in such district. At the first election held under authority of this act, the qualified electors of the township shall proceed to elect by ballot one trustee for the term of one year, two for the term of two years and two for the term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term or terms of office shall expire. The term of office intended for each person shall be designated on the ballot and which said ballot shall have printed thereon the names of all candidates and the offices to be voted therefor, together with instructions as to the method of voting: Provided, That to obtain the printing of the name of any candidate for any of said offices, said candidate shall file a nomination petition with the clerk of the school board not less than thirty days before election, which petition shall be signed by

Board of education, term.

Eligibility.

When elected.

Ballot, form of.

Proviso, nomination petitions.

not less than twenty-five nor more than one hundred qualified electors of the school district and each petition shall recite the residence and occupation of the electors signing the same, together with the date of signature. At the first election held in said township district, the township board shall act as a board of election inspectors and shall receive and canvass the votes, prepare ballots and conduct the election in the same manner as provided for in township elections held under the general law. The township clerk shall keep a record of all proceedings of said first meeting of the district and file a copy of the same in his office and turn over a copy of said proceedings to the secretary of the board of education when said board is organized. In election of trustees, the person or persons receiving the highest number of votes cast shall be declared elected and he or they shall hold office until his or their successor or successors shall have been duly elected and shall have qualified as provided in this act. In all school elections every citizen of the United States of the age of twenty-one years, male or female, who has the qualifications prescribed under the provisions of the general school law shall be a qualified voter.

Am. 1917, Act 304; 1921, Act 133.

(307) § 5912. SEC. 4. The annual meeting of said township district shall occur on the second Monday of July in each year at the usual place of holding the township meeting, and the school year shall commence on that day. It shall be the duty of the secretary of the board to give notice of all annual meetings and of any special meetings of said district by posting a written or printed notice thereof in at least five conspicuous places in said township, and one notice on each school building, at least five days prior to said meeting. The notice of any annual or special meeting shall state the purpose of the meeting, the place, date and hour of holding the same. The notice of the annual meeting shall specify that during the last two hours, or between three and five o'clock, the general business of the district as to voting taxes will take place. In case the president or secretary of the board of education shall be absent, the voters present may appoint a temporary president or secretary. At the first school meeting, and at all succeeding annual meetings the polls shall open at ten o'clock a. m. and be kept open seven consecutive hours, and the election shall be conducted in a similar manner to the one in which township officers are elected, and at the hour of closing the chairman of the board of election shall declare the polls closed, and the board shall immediately proceed to canvass and announce the result of the vote.

(308) § 5913. SEC. 5. If any person offering to vote at a township school district meeting shall be challenged as unqualified by any legal voter in such district or by the presiding officer, the chairman presiding at such meeting shall declare

Election inspectors.

Duty of township clerk.

Who qualified voter.

Annual meeting.

Notice by secretary.

Polls, opening and closing.

Challenge of voter.

o the person challenged the qualifications of a voter; and if such person shall state that he is qualified and the challenge is not withdrawn, the chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you are an actual resident of this school district, or residing upon territory now attached to this school district, and that you possess the qualifications required for voting under the general school laws of this state," and every person taking this oath shall be permitted to vote upon all questions proposed at such meetings. If any person so challenged shall refuse to take such oath his vote shall be rejected; and any person who shall wilfully take a false oath or make a false affirmation under the provisions of this section, shall be deemed guilty of perjury. When any question is taken any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering the vote, and treated in the same manner.

Oath,
form of.

Refusal
to take,
etc.

Am. 1921, Act 133.

(309) § 5914. SEC. 6. Within five days after the first election under this act the township clerk shall notify in writing the persons elected as trustees of their election, and within five days thereafter said trustees so elected shall file with the township clerk a written acceptance of the office, accompanied by an affidavit properly acknowledged that such person is a qualified voter on all school questions, and such acceptances and affidavits shall be filed by the township clerk in his office. All persons elected as trustees of the township school district after said first election shall file such written acceptances and affidavits with the secretary of the board of education and they shall be made a part of the records of the district.

Notice to
persons
elected.

Acceptance,
where filed.

Am. Id.

(310) § 5915. SEC. 7. The members of the board of education shall meet on the second Monday following the first election under this act, and at such meeting the trustee whose term of office first expires shall be temporary chairman, and at this meeting the trustees shall elect from their number a president, a secretary and a treasurer, who shall severally serve in such capacity during his term of office and until his successor shall have been duly elected and qualified. Immediately upon the organization of the board the secretary shall notify the county school commissioner and the superintendent of public instruction, giving the name and postoffice address of each officer. A majority of the members of the board shall constitute a quorum, and the board shall hold a regular meeting on the fourth Monday of each month and one on the Saturday preceding the second Monday in July, and no notice of such meetings shall be required, if the hour and place of such

Meeting
of board,
officers, etc.

Quorum.

meetings shall have been fixed by a resolution of the board and placed upon the record book of the secretary of said board. The trustees shall be allowed compensation for not to exceed four special meetings which may be called by the president and secretary, and the secretary shall give at least twenty-four hours' written notice to each member of the board: Provided, That the provisions hereof with reference to number of regular meetings of board and compensation of trustees shall not apply to school districts having a school population of less than three hundred. In such districts there shall be two regular meetings, one on the fourth Monday of February and one on the Saturday preceding the second Monday of July. All business which the board of education is authorized to perform shall be done at a meeting of said board, and no act shall be valid unless voted at a meeting of the board by an affirmative vote of a majority thereof and a proper record made of such vote. The minutes of all school meetings and board meetings must be signed by the secretary.

Am. 1917, Act 314; 1921, Act 133.

(311) § 5916. SEC. 8. A school district office shall become vacant immediately upon any of the following events:

First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office or to give or renew any official bond according to law;

Eighth, Upon the expiration of twenty days after failure of the district to elect a successor at the annual meeting.

Am. 1921, Act 133.

(312) § 5917. SEC. 9. The board of education shall have the following powers and duties:

(a) To fill any vacancies that may occur in the office of trustee until the next annual meeting, and the person or persons so appointed shall file his acceptance and affidavit as hereinbefore provided;

(b) To purchase or lease in the name of the district such site or sites for schoolhouses as it may deem necessary, out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed to do so by the qualified voters: Provided, That the board shall not build a stone or brick schoolhouse upon any site without having first obtained a title in fee to the same or a lease for at least ninety-nine years, nor shall a frame schoolhouse be erected on any site for which the board has not secured a title in fee or a lease for at least fifty years, and in all cases

Special meetings, compensation.

Proviso, certain districts.

Meetings.

Office, when deemed vacant.

Powers and duties.

Vacancies, may fill.

Purchase school sites.

Proviso.

where school sites are leased the board shall reserve the privilege of removing the school property from the site on the expiration of the lease;

(c) To estimate the amount of money necessary to be raised for buildings and sites and report same to the voters at the annual or a special meeting;

(d) To vote the taxes necessary in addition to other school funds for teachers' wages which shall be accounted for under the title of "general fund," and if no high school be established, to vote such taxes as may be necessary to pay the tuition of any and all children of high school age resident in such township, to high schools already established, and to vote such taxes as may be necessary for the regular running expenses of the school, which shall include school furnishings and all appendages, library, the care of school property, record books and blanks, and all apparatus and material which may be necessary in order that the schools may be properly managed and maintained, and such taxes when collected and received by the treasurer of the board shall be accounted for under the title "general fund." All moneys received from penal fines for library purposes and all moneys received for buildings and sites shall be kept in separate accounts under proper title: Vote taxes for wages, etc.
 Provided, That when the district or the board has voted a tax for any legal purpose and the money is needed before the tax can be levied and collected the board may borrow on the warrant of the district a sum not to exceed the amount of tax voted for such purpose; Proviso.

(e) Between the second Monday of July and the first Monday of August in each year, to make out and deliver to the township clerk a report in writing, signed by the president and secretary, of all taxes for school purposes voted by the district and by the district board, to be levied on the taxable property of the district; Taxes levied.

(f) To apply and pay over all school moneys belonging to the district in accordance with the provisions of the law regulating the same, and no money raised by tax shall be used for any other purpose than that for which it was raised without the consent of a majority of the taxpaying voters of the district present at an annual meeting or a special meeting, and no moneys received from the primary school interest fund shall be appropriated to any other use than the payment of teachers' wages, except as hereinafter provided, and no money received for teachers' wages shall be paid to any person who is not the holder of a proper certificate of qualification authorizing him to teach, and granted to said person before the commencement of his school. The board shall not apply any moneys received by it from any source for the support or maintenance of any school of a sectarian character, whether the same be under the control of any religious society or made sectarian by the school board; School moneys, uses, etc.

Custody of school property.

(g) To have the care and custody of all school property and to provide suitable school privileges and sanitary conditions for all schools, a suitable water supply and all record books and blanks;

Text books, adoption, etc.

(h) To specify the studies to be pursued in the schools of the district and adopt a suitable course of study for said schools; and the secretary shall make a record of such adoption. Textbooks once adopted under the provisions of this act shall not be changed within five years except by the consent of a majority of the qualified voters of the district present at any annual or special meeting: Provided, That

Proviso, physiology and hygiene.

in the adoption of textbooks the board shall provide for instruction in the subject of physiology and hygiene with special reference to the nature of alcohol and narcotics and their effects upon the human system, and sanitary science. Textbooks adopted in this subject shall give at least one-fourth of their space to the consideration of such subjects, and for the high schools such books shall contain at least twenty pages of such matter, and the instruction in this subject shall be given in such manner and at such times as may be suited to the grade of the pupils. The textbooks used in giving such instruction shall first be approved by the state board of education. Each teacher or superintendent shall report to the board of education at the close of each term or year in regard to the quantity and character of such special instruction in the subject of alcohol and narcotics, and the secretary of the board shall certify to the superintendent of public instruction that such instruction has been given;

Approval.

Regulation of schools.

(i) To have the general care of the schools of the district and make and enforce suitable rules and regulations for the general management of the schools and for the preservation of the property of the district, and to purchase at the expense of the district such textbooks as may be necessary for the use of children whose parents are not able to furnish same. The board may authorize or order the suspension or expulsion from school of any pupil guilty of gross misdemeanor or persistent disobedience, or one having habits or bodily conditions detrimental to the school, whenever in its judgment the interests of the school may demand it;

Suspensions, etc.

Non-resident pupils.

(j) The board may admit to the schools of the township any non-resident pupils and determine the rate of tuition of such pupils and collect same. Children who are being cared for at county expense shall be admitted to the school in the township which is nearest the county house or in which the county house may be located, on the same terms that non-resident pupils are admitted. When non-resident pupils, their parents or guardians, pay a school tax in said district such children shall be admitted to the schools of the district, and the amount of such school tax shall be credited on their tuition in a sum not to exceed the amount of such tuition;

(k) To make rules relative to the taking of census of all children resident in said township district five years of age and under twenty years, and to make all necessary reports and transmit the same to the proper officers as designated by law so that the district may be entitled to its proportion of the primary school fund; Census.

(l) To fix the length of time school shall be kept in all the schools of the township, which shall be the same for all schools and not less than five months in each year: Provided, That all persons, residents of any township school district and five years of age, shall have an equal right to attend any school therein, and no separate school or department shall be kept for any person on account of race or color: Provided further, That this shall not be construed to prevent the classifying and grading of the schools according to the intellectual progress of the pupils, such grades to be taught in such separate places as may be deemed expedient; Term.
Proviso.
Further
proviso.

(m) To establish and maintain a district library and provide for its care and management; Library.

(n) To establish and maintain a high school or high schools for the township and determine the qualifications for admission thereto: Provided, That if a township high school be not maintained the board of education shall pay out of the funds hereinbefore provided for, the tuition of any and all children of high school age who desire to attend high schools; High
school.
Proviso.

(o) To authorize the secretary to purchase and provide such incidental apparatus and material as may be deemed advisable for the schools, and to audit and order the payment of all accounts for such expenses and material; Apparatus,
may pur-
chase.

(p) To employ a superintendent of schools for the township, and to employ such other officers and servants as may be necessary for the management of the schools and school property, and to prescribe their duties and fix their compensation. The superintendent of schools herein provided for shall be the holder of at least a state life certificate or a normal school diploma, or he shall have educational qualifications equivalent thereto and shall be the holder of a diploma from a college or university of recognized standing, and he shall have the following duties: Superin-
tendent.

Duties.

First, To recommend in writing all teachers necessary for the schools, and to suspend any teacher for cause, until the board of education or a committee of such board may consider such suspension;

Second, To classify and control the promotion of pupils;

Third, To recommend to the board the best methods of arranging the course of study and the proper textbooks to be used;

Fourth, To make reports in writing to the board of education and to the superintendent of public instruction annually or oftener if required;

Fifth, To supervise and direct the work of the teachers;

Sixth, To assist the board in all matters pertaining to the general welfare of the school, and to perform such other duties as the board may determine;

To hire,
etc., teachers.

(q) To hire and contract with such legally qualified teachers as may be required, and all contracts shall be in writing and signed by a majority of the board in behalf of the district. Said contracts shall specify the wages agreed upon and require the teachers to keep a correct record of all school work, the number of pupils, the classification and grading, the aggregate and average attendance and the percentage of attendance, and to furnish the secretary with a correct copy of the same at the close of school. The contracts shall also require the board to provide all proper material and keep the school property in proper and sanitary condition. The contract shall be filed with the secretary and a duplicate furnished the teacher. A contract with a person not holding a legal certificate of qualification shall be invalid and all contracts shall terminate if the certificate of the teacher shall expire by limitation within its term, or if the certificate be suspended or revoked by proper authority: Provided, That in case of illness of the teacher or when a legally qualified teacher cannot be found by the board or by the commissioner of schools, a person otherwise qualified but not holding a certificate may be employed temporarily as a supply, and such supply service shall be paid from the general fund. A school month within the meaning of the school laws shall consist of four weeks of five days in each week;

What contract to specify.

Where filed.

When invalid.

Proviso.

School month.

(r) And to do all things needful and necessary for the maintenance, prosperity, and success of the schools of the district and the promotion of the thorough education of the children thereof.

Am. Id.

President of board.

(313) § 5918. Sec. 10. It shall be the duty of the president of the board:

To preside.

First, To preside at all meetings of the district and of the board;

Countersign orders.

Second, To countersign all orders legally drawn by the secretary upon the treasurer for moneys to be disbursed by the district, and all warrants of the secretary upon the township treasurer for moneys raised for district purposes or apportioned to the district by the township clerk or other officer;

Prosecute action.

Third, To cause an action to be prosecuted in the name of the district on the treasurer's bond in case of any breach of any condition thereof;

Meetings, disturbance of, etc.

Fourth, To preserve order in all meetings of the district, and he may arrest or order the arrest of any person or persons who shall conduct himself or themselves in a disorderly manner, or who shall disturb such meeting by rude or indecent behavior, or by profane or indecent discourse or in any

- or her way make such disturbance, and such person shall, on conviction thereof in a court of competent jurisdiction, be punished by a fine of not less than two dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days. Any justice of the peace, recorder or police justice of the county where such offense shall be committed shall have jurisdiction to try and determine the same; Penalty. Jurisdiction.
- Fifth, He may make complaint before a justice of the peace against any person who shall disturb any school in the township by rude and indecent behavior or by profane and indecent discourse or in any other way make such disturbance, and such person shall on conviction thereof be punished by a fine of not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; Complaint for disturbance.
- Sixth, To perform the duties required of the superintendent, where such superintendent is not appointed, and such other duties as may be appropriate to his office in the management of the schools as the board shall determine. Other duties.
- (314) § 5919. SEC. 11. It shall be the duty of the secretary of each board of education: Secretary, duties.
- First, To act as clerk at all meetings of the district and of the board; Clerk of board.
- Second, To record the proceedings of all district meetings and the minutes of all meetings, orders, resolutions and other proceedings of the board in proper record books and sign the same; Record of proceedings.
- Third, To give the prescribed notice of the annual meeting and of any special meetings of the district which the board may call: Provided, That the notice of all annual and special meetings shall be properly posted in at least five public places in the township and one on each school building not less than five days prior to such meeting: Provided further, That on the petition of at least one-tenth and not less than twenty-five of the qualified voters of the township district presented to the secretary or president for the purpose of calling a special school meeting, the secretary shall give the notice as hereinbefore provided; Notice of meetings. Proviso. Further proviso.
- Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes or apportioned to the district by the township clerk or other officer and payable to the treasurer of the district, and orders upon the district treasurer for all moneys to be disbursed by the district, and present such warrants or orders to the president to be countersigned by that officer. Each warrant and order shall be properly numbered and dated, and each warrant shall specify the sources of the funds called for, and each order the purpose for which and the fund upon which it is drawn; Warrants, orders, etc. Numbering.
- Fifth, To draw and sign all contracts with teachers, superintendents or other employes, when directed by the district Sign contracts.

board, and present such contracts to the other members of the board for further signature;

Purchase apparatus.

Sixth, To purchase the necessary appendages and incidentals for school use as hereinbefore provided, and to see that such apparatus and material is kept in good repair at all times;

Accounts, payment, etc.

Seventh, To keep an accurate account of all expenses incurred by him as secretary, such accounts to be presented to and audited by the board, and on its written order paid out of the appropriate fund;

Estimates, when and to whom presented.

Eighth, At the regular meeting of the board in the month of June, to present an estimate of the expenses necessary to be incurred during the ensuing year, and an estimate of the amount of money necessary for buildings, sites or repairs; and upon these estimates the board shall act and fix the amount to be presented to the people at the annual meeting; and the board shall vote the several amounts for taxes to be levied for teachers' wages and the general running expenses of the school as hereinbefore provided;

File reports, etc.

Ninth, To preserve and file copies of all reports to the township clerk or county clerk and the superintendent of public instruction, and to preserve and keep all books, papers, records and other documents belonging to the office of secretary or to the district when not otherwise provided for, and to deliver the same to his successor in office;

Annual report, what to contain, etc.

Tenth, The secretary shall, at the end of the school year and previous to the second Monday in July, prepare an annual report of the school district, said report to contain:

(1) The whole number of children belonging to the district five years of age and under twenty, according to the school census of said district;

(2) The number attending school during the year;

(3) The number of non-resident pupils attending during the year;

(4) The whole number that have attended school during the year;

(5) The length of time school has been taught, the name of each teacher and the length of time taught by each and the wages paid to each;

(6) The average attendance and the percentage of attendance of pupils during the year;

(7) The amount of money received from the township treasurer apportioned to the district by the township clerk;

(8) The amount of money raised by the district and the purposes for which it was raised, the amount of primary and library money and the amount received from all other sources;

(9) The text-books used in the school;

Other statistics.

(10) Such other facts and statistics in regard to the schools and the subject of education as the superintendent of

public instruction shall direct. Said report shall be in such form as said superintendent may prepare and direct. In all township districts one copy of said report shall be filed with the township clerk on or before the first Monday of August in each year, and the other two, together with all others, forwarded immediately after the first Monday in August to the county commissioner of schools;

Form of report, filing of, etc.

11) To perform such other duties as are or shall be required by law or by the board of education.

315) § 5920. SEC. 12. It shall be the duty of the treasurer of the board of education:

Treasurer, duties.

First, Within ten days after his election or appointment to execute to the district and file with the secretary of the board a bond in the full amount of money to come into his hands during each year as such treasurer, as near as the same can be ascertained, with two or more sufficient sureties, each of whom shall justify under oath and before a proper officer, to the amount for which he is held in the bond, and the sum of such amounts shall be equal to the full amount of the bond; or the treasurer may provide, at the expense of the district, a similar bond of some surety company authorized to do business in this state, said bond to be approved by the president and secretary of the board, conditioned for the faithful performance of his duties under this act and honestly accounting for all moneys coming into his hands belonging to said district according to the general accounting laws of the state. Said bond when approved shall be filed with the secretary of the board, and none of the books, money or property of the district shall be placed in the hands of the treasurer until such bond has been so filed and approved: Provided, That if for any unforeseen reason a larger sum of money should become due the district than the bond would cover, the treasurer shall increase the bond to the proper amount before such money comes into his hands. In case of any breach of the conditions of said bond the president shall cause suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district, and such moneys shall be applied to the same purposes as the money lost should have been applied by the treasurer;

To file bond, sureties.

Surety company.

Where filed.

Proviso, increase of bond.

When suit commenced.

Second, The treasurer shall have the care and custody of all the moneys of the district coming into his hands, and he shall not loan the same, nor use the same for his own purposes, nor permit other private individuals or corporations to use the same except as provided by law, nor shall he mix such money with his own money, but he shall keep it separate and apart from all other funds;

Custody of moneys.

Third, He may, with the consent of the board of education, deposit school moneys with any bank or banking corporation or trust company for safe-keeping, and require such bank or

Deposits, interest, etc.

- company to pay interest thereon. Such deposit shall be made in his name as treasurer of the district, and such interest shall be accounted for to the district and become a part of the general fund of said district: Provided, That any deposit of such funds shall not be privileged, but shall be open to inspection of any trustee of the district or any person authorized to audit school accounts;
- Proviso, inspection.** Fourth, To pay all orders of the secretary when lawfully drawn and countersigned by the president, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;
- Pay orders.** Fifth, To keep a book in which all moneys received and disbursed shall be entered, the sources from which the same have been received, and the person to whom and the objects for which the same have been paid;
- Keep book of accounts, etc.** Sixth, To present to the district board and to the district at the close of the school year a report in writing containing a statement of all moneys received during the preceding year and of each item of disbursement made, and exhibit the vouchers therefor, and said vouchers shall be filed in his office permanently;
- Annual reports.** Seventh, To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in a district meeting, except in suits in which he is interested adversely to the district, and in all such cases the president shall appear for the district;
- Appear for district in suits.** Eighth, At the close of his term of office to settle with the district board and to deliver to his successor in office all books, vouchers, orders, documents and papers belonging to the office of treasurer, together with all district moneys remaining on hand;
- Deliver books, etc.** Ninth, To perform such other duties as are or shall be required by law of the treasurer.
- Other duties.** (316) § 5921. SEC. 13. At each annual school meeting held in said township district the board of education shall present its estimate of the amount of money needed to be raised by tax during the ensuing year for buildings and sites and an estimate of the amount for which bonds shall be issued if needed. This estimate shall be presented by the board and considered by the qualified voters during the last two hours of the time during which the polls for the election of trustees are to be open, or between the hours of three and five o'clock p. m. The qualified voters on the question of voting taxes present at that time shall determine the amount of money to be raised by tax for these purposes, and they may direct that the vote shall be taken by ballot or in any other way which shall be deemed best. The people shall have authority to increase or decrease the amount of the estimate submitted by the board and when such amounts have been voted by a major-
- Annual meeting.**
- Time.**

ity of the qualified voters present the secretary of the board of education shall, on or before the first Monday of August, certify to the township clerk of the township the amount of such taxes, together with the amount of all taxes which the board of education is authorized to impose, and said township clerk shall report the same to the supervisor of the township, and if the township district is a fractional district said clerk shall report such taxes to the clerks of other townships in which said district may be in part situated, and such clerks shall report the amounts to their respective supervisors who shall spread the same upon the regular tax roll of such township or townships in the manner provided for by statute, and the same shall be levied, collected, and returned in the same manner as all township taxes: Provided, That if the qualified voters present as aforesaid do not or can not determine the amount of money to be raised by tax for the purposes specified, the board of education shall determine the same: Provided further, That special meetings of the district may be called to vote on the question of bonding the district for any of the purposes mentioned. Such vote shall be by ballot and a majority of the votes cast shall be necessary to carry the question. The form of ballot shall be: "For bonding the township district for \$....., Yes." "For bonding the township district for \$....., No." On the question of bonding, the board of education shall act as an election board and cause a poll list to be kept and a suitable ballot box used, and conduct the election and canvass the votes in the same manner as a regular school election. When bonds have been voted the board shall proceed to issue and sell the bonds and fix the rate of interest and term of payments thereon. The period of any school bonds shall not exceed fifteen years: Provided, That when any money shall have been borrowed by any township school district upon the bonds of said district the qualified voters of such district shall have power at any annual or special meeting to impose a tax on the taxable property in such district for the purpose of paying the principal or any part thereof and the interest thereon, to be levied and collected as other school district taxes are levied and collected.

Taxes.

Proviso.

Further proviso.

Form of ballot.

Bonds to issue and sell.

Proviso.

(317) § 5922. SEC. 14. All taxes assessed within said township or township district for school purposes shall be set forth in the assessment roll of the proper township in a separate column, apart and distinct from all other township taxes.

Taxes in separate column.

(318) § 5923. SEC. 15. The treasurer of the township shall at any time, on the written request of the board of education, report to said board the amount of school money in his hands and shall, on the order of the secretary of the board countersigned by the president, pay to the treasurer of the board all or any of such moneys. The treasurer of the township shall collect from the treasurers of other townships in

When township treasurer to pay over moneys.

To collect from other treasurers.

which the district may be in part located all school moneys belonging to such district on or before March first in each year and report the same to the township clerk.

Statement,
board to
make, con-
tents, etc.

(319) § 5924. SEC. 16. The said board of education shall annually, on or before its regular meeting in the month of June, make a detailed statement of the number of schools in said township district, the number of teachers employed, the number of pupils instructed therein during the preceding year, the itemized expenditures of said board for all purposes, the resources and liabilities of said district and also an estimate of the necessary expenses for the ensuing year exclusive of the income from the primary school interest fund and one mill tax, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board or any member of the board, to the voters of the township at their annual meeting on the second Monday of July.

Recording of.

Free text-
books, may
be submitted.

(320) § 5925. SEC. 17. The board of education at any annual or special meeting may submit to the voters of the district the question of free text-books, and if a majority of the voters present shall vote in favor of the use of free text-books, the said board shall be authorized to proceed to make a contract with some dealer or publisher to furnish the necessary books used in said district at a price not greater than the net wholesale price of such books, and to vote a tax for such purpose: Provided, That the voters at such meeting may direct the board of education to advertise for proposals and bids on such contract. Annually thereafter the board of education shall include in its budget a sufficient amount to maintain and provide the proper text-books for use in schools and such text-books shall be sold to pupils at cost and furnished free to such pupils as are unable to buy them, and such books furnished free shall be the property of the district: Provided further, That nothing herein contained shall prevent any district having once adopted free text-books from taking further action on the subject at any subsequent annual meeting.

Proviso, bids.

To be included
in budget.

Further
proviso.

Property
and debts.

(321) § 5926. SEC. 18. All school property, both real and personal, within the limits of the township district as created or organized under this act, shall by force of this act become the property of the public schools of the township, and all debts and liabilities of the several districts heretofore organized in such township as they existed prior to the passage of this act shall become the debts and liabilities of the said public schools of the township.

Tax not in-
validated, etc.

(322) § 5927. SEC. 19. All money raised or being raised by tax, or accrued or accruing to the school districts of said township as described herein, shall become the money of the public schools of the township, and no tax heretofore ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

(323) § 5928. SEC. 20. The compensation of members of the board of education other than the secretary and treasurer shall be two dollars for attendance at each regular meeting of the board. The secretary and treasurer of said board shall receive such compensation for their services as the board of education may determine, not exceeding one hundred dollars for the treasurer and one hundred twenty-five dollars for the secretary per annum. The amount of money necessary for the services of district officers shall be included in the regular budget voted by the board of education and shall be paid from the general fund.

Compensation
of board and
officers.

(324) § 5929. SEC. 21. The several township officers shall be ineligible to election as members of the board of education during the term for which they were elected and any votes cast for such township officers for members of the board of education shall be void. It shall be illegal for any member of the board of education to act as agent for any author, publisher or seller of school books or school apparatus, or to receive any gift or reward for his influence in recommending the purchase or use of any school book or apparatus in the state of Michigan. It shall be illegal for any member of the board of education to perform any labor except as provided in this act, or furnish any material or supplies for the school district in which he is an officer, and he shall not be personally interested in any way whatever, directly or indirectly, in any contract with the district in which he holds office. Any act herein prohibited, if performed by any such school officer, shall be deemed a misdemeanor and he shall be liable to the punishment provided for such offense in accordance with the provisions of the statute in such case made and provided.

Board,
township
officers
ineligible.

Member not
to act as
agent.

Interest in
contract.

Penalty.

Justices of the peace who were selected trustees of a school district and recognized as proper officials thereof for a year or upwards were *de facto* officials, though disqualified from acting in the two capacities by 2 compiled laws 1915, § 5929.—Connine v. Smith, 190/632.

(325) § 5930. SEC. 22. Any person duly elected to the office of trustee of any township district, who shall neglect or refuse without sufficient cause to accept such office and serve therein, or who having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by virtue of his office, shall, upon conviction in any court of competent jurisdiction, be fined not less than ten dollars in the discretion of the court, and if he shall still continue to neglect or refuse to perform the duties he shall be liable for a similar forfeiture for each such offense; or any such officer may be removed from office in the manner provided in this act.

Refusal to
accept office
or perform
duty.

(326) § 5931. SEC. 23. The superintendent of public instruction shall have power and is hereby required to remove from office, upon satisfactory proof and after at least ten days' notice to the party implicated, any trustee of any township school district who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who

Removal
from office.

shall persistently and without sufficient cause refuse or neglect to discharge any of the duties of his office, and in case of such removal it shall be the duty of the said state superintendent to record in the office of the township clerk of such township the resolution or order for such removal, and such record of such resolution or order so entered, or a certified copy thereof, shall be prima facie evidence in all courts and places of jurisdiction of the regularity of such proceedings for removal, and said state superintendent shall file a similar copy of the proceedings in the records of his office: Provided, That if the party so removed shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the setting aside of such order for removal from office, or if after said thirty days such proceedings to obtain such removal shall be discontinued or dismissed, the said order for removal from office shall stand and not be subject to attack by any legal proceedings thereafter.

Proviso,
when order
to stand.

Consolidation of
townships,
board to act.

Joint session,
appraisal.

Alteration
of district.

Proviso,
certain dis-
tricts.

Trustees,
election of.

(327) § 5932. SEC. 24. When any township district comprising one township shall be divided into two or more townships or when any two townships are consolidated for school purposes, the existing board or boards of trustees shall continue to act for all the townships until the same shall have been organized and the township boards of trustees duly elected and qualified therein. Immediately after such organization the township boards of education of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made said township board of education shall make an equitable division of the existing assets and liabilities of the school districts of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When the township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of education of such townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of such township: Provided, That any township school district operating under a special act, the original act of which was passed at one of the sessions of the legislature between eighteen hundred ninety-three and nineteen hundred seven, inclusive, and not having within its borders a village or city of more than five hundred population, shall operate under the provisions of this act after the annual meeting in July, nineteen hundred twenty-two, without reorganization. At the annual meeting on the second Monday in July, nineteen hundred twenty-two, there shall be elected in such town-

ship districts five trustees in the manner and for the terms provided in this act for the election of the first board of education. The said board of education immediately after its organization as provided in this act shall settle with the treasurer of the board of education in control of said district operating under the special act, and all records, papers, books, money, and other property of said board shall be turned over immediately thereafter to the proper officers of the board of education elected under the provisions of this act: Provided, That the boundary lines of any township district organized under the provisions of this act may be altered by attaching or detaching territory. In such altering of the boundary lines of said township district the school board of the township district or districts shall act for the township districts, and the township board or boards, if fractional, shall act for primary or graded districts in the same manner as provided in the general school law for the change of boundaries of primary districts. In such annexation or detaching of territory the township school district organization shall continue to be the school organization for the township school district the same as if no territory had been attached or detached.

Proviso,
alteration of
boundary.

Am. 1921, Act 133.

(328) § 5933. SEC. 25. When any ten or more qualified voters in any township district shall feel themselves aggrieved by any action, order or decision of the board of education with reference to the formation of any school, the division or arrangement of any territory, or location of the schools, or the maintaining of school in any part of said district, they may, at any time within ninety days from the time of such action on the part of said board of education, appeal from such action, order or decision of said board of education to the state superintendent of public instruction, and notice of such appeal shall be served on the secretary of the board of education. The superintendent of public instruction, upon the receipt of such appeal, shall have power to entertain such appeal, and review, confirm, set aside or amend the action, order or decision of the board of education thus appealed from, or if in his opinion the appeal is frivolous or without sufficient cause, he may summarily dismiss the same. Said state superintendent of public instruction, before acting upon such appeal, may visit the locality or appoint some one to do so, and investigate carefully the action, order or decision and its effect upon the district and the conditions surrounding the same, and he or his appointee shall give a hearing at some place within the county where such township district may be located and to such hearing he may summon the board of education, the complainants and any persons who may have knowledge of the matter at issue. After the hearing and due consideration, said superintendent shall render his decision which shall be final.

Appeal from
action of
board.

Supt. of public
instruction,
duty of.

TOWNSHIP SCHOOL DISTRICTS IN UPPER PENINSULA.

An Act for the organization of township school districts in the upper peninsula.

[Act 176, P. A. 1891.]

The People of the State of Michigan enact:

Petition for organization.

Clerk to notify board.

When township to become single district.

Proviso, as to sub-districts.

(329) § 5892. SECTION 1. Whenever the qualified electors of any organized township in the upper peninsula desire to become organized into a single school district, they may petition the township board to proceed as hereinafter provided for organizing a township school district. Such petition shall be signed by a majority of the electors of the township qualified to vote at school meetings and shall be filed in the office of the township clerk at least fifteen days prior to the first day of July. Upon the receipt and filing of said petition, the township clerk shall notify the members of the township board and the school inspectors of the township to attend a special meeting to be held not more than five days thereafter, at which meeting it shall be the duty of such township board to compare the names signed to the petition with the names appearing on the list of registered voters qualified to vote at school meetings, and if it be found that a majority of the voters so qualified to vote have signed the petition that the organized township of which they are residents be organized as a single school district, the township board shall give notice by posting notices thereof in five public places in said township, that on the second Monday of July the following officers will be elected for such school district; and they shall make and file, both with the county clerk and with the county commissioner of schools of the county in which such township is located, a certified copy of the above mentioned petition, together with their finding and doings thereon; and when the district officers shall have been duly elected and shall have filed their acceptance with the township clerk, such township shall become a single school district which shall be subject to all the general laws of the state, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon graded school districts by the laws of this state, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act: Provided, That, immediately after the organization of the township district, the board of education may divide the township into such number of sub-districts as they may deem necessary for the accommodation of all children of school age therein, designating the same as follows: Sub-district number one, sub-district number two, etc.

This act is constitutional.—Perrizo v. Kesler, 93/280; Keweenaw Ass'n v. S. h. Dist., 98/441. The provision authorizing the township board and school inspectors to determine whether a majority of the qualified electors of the township have signed the petition, is sufficient.—Id. As to filing a certified copy of the petition, etc., with the county commissioner of schools, instead of with the secretary of the board of school inspectors, see Id. 284. See Auditor General v. Ayer, 211/244.

(30) § 5893. SEC. 2. The officers of said district shall consist of five trustees, who shall constitute the board of education of said district, and the term of office shall be three years. On the second Monday of July following the action of the township board, as stated in section one of this act, the qualified voters of the township shall proceed to elect the number, by ballot, one trustee for the term of one year, two for the term of two years and two for the term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire. The term for which the person voted for is intended shall be designated on the ballot. The qualifications of voters and the conditions of eligibility for office holding shall be the same as provided in the general school laws. At the first election held in said district, the township board shall act as a board of election, and they shall canvass the votes in the same manner as votes for elective township officers are canvassed. At succeeding elections the qualified voters present shall designate three qualified voters to act as a board of election and board of canvassers, who shall respectively take and subscribe the constitutional oath of office, which oath any member of the board of trustees may administer. In the election of trustees the person or persons receiving a majority of all the votes cast shall be declared elected, and he or they shall hold office until his or their successor or successors shall have been duly elected and filed his or their acceptance. The annual meeting of said district shall occur on the second Monday of July in each year, at the usual place of holding the annual township meeting, and it shall be the duty of the secretary to give notice of all annual meetings and of any special meeting of said district by posting a written or printed notice thereof in at least five conspicuous places in said township at least five days prior to said meeting. At the first school meeting and all succeeding annual meetings the polls shall open at three o'clock p. m., and be kept open four hours, during the last hour of which time the voters shall transact such business as may lawfully come before them, according to the provisions of section nine of this act, except where the board of education of any district has designated a different hour, during said four hour period, for the transaction of such business and notice thereof has been given in the notice of such meeting, then such business may be transacted during such designated hour. In all townships organized prior to April first, nineteen hundred three, under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, the first election of trustees

Board of education.

When trustees elected.

Term on ballot.

General law governing.

First election.

Succeeding elections.

Majority elects.

Annual meeting, when and where held.

Notice given.

Opening and closing of polls.

Transaction of district business.

Organizations prior to April 1, 1903.

under this act shall be held on the second Monday of July, nineteen hundred three, in the manner provided in this section for the election in a township newly organized as a single school district; and immediately thereafter the records, property and documents belonging to said district shall be turned over to the newly elected board of education: Provided, That the district officers elected at the annual election in April, nineteen hundred three, under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, shall act as the board of education until the trustees elected on the said second Monday in July, nineteen hundred three, shall have filed their acceptances and become duly qualified.

Am. 1919, Act 138.

Perrizo v. Kesler, 93/283; People v. Anderson, 198/39.

Proviso,
April, 1903.

Officers, how
notified of
election.

(331) § 5894. SEC. 3. Within five days after the first election under this act, the township clerk shall notify, in writing, the persons elected trustees of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this state, before any officer authorized to administer oaths, and file the same with the township clerk: Provided, That after the district shall have been organized under the provisions of this act, the members of the board of education shall file their acceptances with the secretary of the board.

Proviso.

Board of
education,
how
organized.

(332) § 5895. SEC. 4. The members of the board of education shall meet on the fourth Monday of July following the first election under this act and elect from their number a president, a secretary, and a treasurer, who shall severally serve in such capacity during his term of office and until his successor shall have been duly elected and duly qualified. The president shall preside at all meetings of the district, and of the board, and perform such other duties as are required of the moderator in a primary school district. The secretary shall faithfully record all proceedings of annual and special meetings of the district and of all meetings of the board, receive and file all records, papers, and other documents belonging to the district, and perform such other duties as are required of the director in primary school districts. It shall be the duty of the treasurer in each district to execute and file with the secretary, within ten days after his election or appointment, a bond in the full amount of money to come into his hands as such treasurer during his term of office, as near as the same can be ascertained, with two sufficient sureties who shall be residents of the same county, or shall furnish a similar bond of some surety company authorized to do business in this state, to be approved by the president and secretary of the board, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. It shall be the duty of the treasurer of said board to

Duties of
president.

Secretary.

Treasurer.

apply for and receive from the township treasurer, or other officer holding the same, on the presentation of a warrant signed by the president and secretary of the school board, all moneys appropriated or apportioned for primary schools and for district library of said district. The said treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the secretary and countersigned by the president; and he shall perform such other duties as are required of the treasurer in primary school districts.

(33) § 5896. SEC. 5. Said board of education shall have power to fill all vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the secretary of said board his oath of office within five days after such appointment by the board. Vacancies.

(34) § 5897. SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the fourth Monday of March, June, September, and December in each year, and no notice of such meetings shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof, in writing, delivered to the secretary; and the secretary, upon receiving such request, shall at once notify each member of said board of the time of holding such meeting, which shall be at least two days subsequent to the time of receiving such request by said secretary: Provided, That in case all the members shall sign a waiver of notice on the minute book of the secretary no notice shall be necessary. All records and papers of said district shall be kept in the custody of said secretary and shall be open to the inspection of any qualified voter of said district. Quorum,
meetings.

Schafer v. Sch. Dist., 116/206.

(35) § 5898. SEC. 7. The said board shall be the board of school inspectors for said district and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors; and the secretary of said board shall perform all the duties required by law of the chairman of the board of school inspectors; and the board of school inspectors for such township is hereby abolished, except as its powers are vested in said board of education. To be board
of school
inspectors.

(36) § 5899. SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all chil- Powers and
duties.

dren in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers as designated by law, so that the district may be entitled to its proportion of the primary school interest fund; and said board shall have authority to make all needful regulations and by-laws relative to the visitation of schools; relative to the length of time school shall be kept, which shall not be less than five months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulation of schools and the books to be used therein; and generally, to do all things needful and desirable for the maintenance, prosperity, and success of the schools of said district, and the promotion of a thorough education of the children thereof. When in any contiguous territory of said township district there are ten or more children of school-age, living not less than three miles, nor more than eight miles, from any schoolhouse in said district, the board of education shall, upon the petition of a majority of the parents or legal guardians of said children, provide school advantages for such children, either by establishing a sub-district, or by providing transportation to some school already established within the township.

Perrizo v. Kesler, 93/283.

Electors to determine amount to be raised.

Proviso, as to neglect.

(337) § 5900. SEC. 9. At each annual school meeting held in said township, the qualified voters present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: Provided, That in case the voters at any annual school meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at the first regular meeting thereof, which amount the secretary shall, within thirty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: Provided, That for purchasing school lots and for erecting schoolhouses no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Proviso, as to amount.

Auditor General v. Duluth, South Shore, etc., 116/122; Auditor General v. Sparrow, 116/576.

Taxes to be set forth in roll.

(338) § 5901. SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.

Treasurer to report to board.

(339) § 5902. SEC. 11. The treasurer of the township shall, at any time, at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the secretary of said

board of education, countersigned by the president, pay to the treasurer of said board, all or any of such money.

(340) § 5903. SEC. 12. The said board shall annually, Board to make annual statement. prior to the second Monday of July in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, the number of pupils instructed therein during the preceding year, the expenditures of said board for all purposes, the resources and liabilities of said district, and also an estimate of the necessary expenses for the ensuing year exclusive of the income from the primary school interest fund and one mill tax, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the secretary thereof, to the voters of said township, at their annual meeting on the second Monday of July.

The purpose of requiring a statement and estimate to be made, entered in the record, and read at the annual meeting, being to advise the voters there present of the condition of the school and its finances, where a detailed statement was read at the annual meeting, the omission to enter same upon the record was properly held by the court below not to avoid the tax.—Auditor General v. Ayer, 211/244.

(341) § 5904. SEC. 13. All school property, both real Disposition of school property. and personal, within the limits of a township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

While the injustice and inequality of this section may well be admitted in certain cases, yet there is no constitutional objection to it.—Perrizo v. Kesler, 93/283-4.

(342) § 5905. SEC. 14. All money raised or being raised Of moneys raised by tax. by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this state shall hereby become the money of the public schools of the township, and no tax heretofore ordered assessed or levied for school purposes in said township, or other proceedings, shall be invalidated or affected by means of this act.

(343) § 5906. SEC. 15. The compensation of the members Compensation of board. of the board of education other than the secretary and treasurer shall be two dollars for attendance at each regular meeting of the board. The secretary and treasurer of said board shall receive such compensation for their services as the board of education may determine, not exceeding one hundred dollars for the treasurer and one hundred twenty-five dollars for the secretary, per annum.

(344) § 5907. SEC. 16. When any township district shall In case of division of township. be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same shall have been organized and the township boards of

trustees duly elected and qualified therein. Immediately after such organization the township boards of education of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards of education shall make an equitable division of the existing assets and liabilities of the school districts of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of education of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of such township.

Alteration,
etc.

Sections 17 and 18 of this act were added by Act 154 of 1903; Act 7, P. A. 1909, repealed sections 17 and 18 as so added, and again added section 17, which repealed all contravening acts.

CHANGE TO PRIMARY SCHOOL DISTRICT.

An Act to provide a method whereby township school districts organized under act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the upper peninsula," comprised in sections five thousand eight hundred ninety-two to five thousand nine hundred eight, inclusive, of the compiled laws of nineteen hundred fifteen, may change to one or more primary school districts.

[Act 100, P. A. 1921.]

The People of the State of Michigan enact:

(345) SECTION 1. Whenever the trustees of any township school district organized under act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the upper peninsula," shall be presented twenty days before the annual meeting thereof, with a petition signed by ten voters of said district, stating that it is the desire of said petitioners that at the annual meeting of said school district, there shall be submitted to said annual meeting the proposition to change from a graded school district to one or more primary school districts, the trustees shall in their notice of such annual meeting state that the proposition set forth in said petition will be presented to said meeting, and if two-thirds of the qualified voters present at said meeting

When graded
district
changed to
primary
district.

shall vote to change to one or more primary school districts, such change shall be made, and it shall be the duty of the township board of the township, or townships in which said district is situated, upon being duly notified of such vote, to proceed to change or divide such district as determined by such annual meeting, and they shall provide for the holding of the first meeting in the, or each of the, proposed primary school districts in the same manner as is provided for by law for the organization of primary school districts.

(346) SEC. 2. That said township board in proceeding to change or divide such district into the, or each of the, proposed primary school districts, shall apportion the property of the entire district and the indebtedness, if any, as near as the same can be done in the proportion that such property and indebtedness shall bear to the assessed valuation in the respective proposed districts. Apportionment of indebtedness.

(347) SEC. 3. That in the event that any five, or more, tax paying electors having taxable property within any of the proposed school districts as organized and set apart by the township board, shall feel aggrieved by the action of said township board, they may at any time within sixty days from the time of such action on the part of such board, appeal from such action, order or decision of such board to the county commissioner of schools and circuit court commissioner of the county in which such school district is situated, in the same manner and under the same conditions as are provided for appeals by any five or more tax paying electors from the action, order or decision of the township board or boards, as set forth in chapter nine of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction in primary schools and to repeal all statutes and acts contravening the provisions of this act," being comprised in sections five thousand seven hundred thirty-one, five thousand seven hundred thirty-two and five thousand seven hundred thirty-three of the compiled laws of nineteen hundred fifteen. Appeal.

BOUNDARIES OF SCHOOL DISTRICTS IN CITIES.

An Act in relation to the boundaries of school districts in cities, and the boundaries of school districts which have been fixed by legislative act.

[Act 86, P. A. 1909.]

The People of the State of Michigan enact:

(348) § 5860. SECTION 1. Whenever a change in, or the establishment of, the boundaries of a school district of any city is desired or becomes necessary, such change or establish- Boundaries, how established, etc.

Board of trustees, duty of.	ment may be made by the joint action of the board of education of such district or the board of trustees of such city and the township board of the township in which the territory may be located, or the township boards if the territory affected is located in more than one township, adjoining such district. Whenever any change is contemplated in regard to the boundaries of the school district, and a majority of the members of the board of education or board of trustees shall vote in favor thereof, it shall be the duty of said board to elect four of its members as a committee to meet with the proper township board in the joint meeting herein authorized, and the secretary of the board of education or board of trustees shall notify the township board or boards of the township or townships in which the territory intended to be attached to or detached from the school district is located, that a joint meeting of such township board or boards will be held with the committee of the board of education or board of trustees of the city at a place, on a date and at an hour named in said notice, but not within ten days of the date of such notice. The secretary of the board of education or board of trustees shall notify the township board or boards, through the township clerk of such township or townships, and he shall also notify the committee representing the members of the board of education of the city of the time and place of such meeting. It shall be the duty of each member of each board or committee to attend such meeting. When the joint boards and committee have assembled they shall elect from their number a chairman and a clerk and shall proceed to consider the changes contemplated and it shall require a majority of all the members elect of the joint boards for affirmative action. The provisions of this act shall apply to all school districts, the boundaries of which have been fixed by legislative act, and to school districts governed by the fourth class city act.
Joint meetings, notice of.	
How made.	
Chairman and clerk, election of.	
Maps, alterations of.	When said joint boards have made alterations in the boundaries of the school district, they shall prepare a map showing in detail the boundaries of the original school district and the boundaries of the territory annexed or detached, and a copy of such map shall be kept on file in the office of the secretary of the board of education or board of trustees, and in the office of the township clerk or clerks of the township or townships in which the territory may be located.
Filling of.	

The home rule act provides for the changing of the territorial limits of cities and villages and not of school districts; hence school districts within annexed territory and school bonds are not affected by action annexing territory to a city under said act.—Collins v. City of Detroit, 195/331. See, also, Bd. of Education v. Bacon, 196/15.

May petition board.

(349) § 5861. SEC. 2. Any persons residing on territory adjoining any city district, or in any school district the boundaries of which have been fixed by legislative act, who desire to have their property attached to or detached from such school district, may petition the board of education or the board of trustees thereof to have such territory annexed

or detached, as the case may be, and when such petition has been received the secretary of the board of education or the board of trustees shall proceed as hereinbefore stated and call a meeting of the board of education or board of trustees, and the township board, to take action on such petition.

(350) § 5862. SEC. 3. When any territory shall be attached to or detached from the school district of any city, or any school district the boundaries of which have been fixed by legislative act, in pursuance of the provisions of this act, it shall in all things relative to school matters be governed by the provisions of the law in force and governing such district at the time the change of boundaries is made. School matters, provisions governing.

(351) § 5863. SEC. 4. The board of education or the board of trustees of any district which by reason of the provisions of this act is extended beyond the limits of any single municipality, shall, within the time provided by law, for certifying taxes by township clerks, certify to the board of supervisors all amounts to be raised therein for school purposes. The board of supervisors shall, in accordance with law, apportion such school taxes to the several municipalities possessing territory in such district in proportion to the assessed valuation of each municipality within such district, and shall certify the same to the proper officer thereof. Certificate.
Taxes, apportionment of.

CHANGING BOUNDARY OF CERTAIN TOWNSHIP DISTRICTS.

An Act to provide for the changing of the boundary lines of a township district organized under a special act, and for the uniting of two township districts operating under special acts to form one school district.

[Act 54, P. A. 1921.]

The People of the State of Michigan enact:

(352) SECTION 1. Any township school district organized under a special act may alter its boundaries by attaching or detaching territory. In such altering of the boundary lines of said township district, the school board of the township district shall act for said district and the township board, or boards, if fractional, shall act for the territory located in other districts and post notices of said proposed action in the same manner as provided in the general school laws for the altering of the boundaries of primary districts. In such attaching or detaching of territory the township school district organization shall continue to be the school organization for the township school district the same as if no territory had been attached or detached. Boundaries, may alter.

(353) SEC. 2. Two adjacent township school districts each of which is organized under a special act may be consolidated Consolidation, referendum on.

to form one township school district, whenever a majority of the legal school electors of each township school district present and voting at an annual meeting or at a special meeting called for that purpose, shall so direct.

Ballot,
form of.

The form of the ballot shall be substantially as follows: "Shall the school board of the township school district of of the county of and state of Michigan unite the territory of said township school district with that of the township of county of and state of Michigan to form one township school district?

() Yes.

() No."

Annual
meeting.

(354) SEC. 3. Whenever the legal voters shall have voted in favor of the consolidation of two township school districts to form one township school district as herein provided, the county commissioner of schools shall call the annual meeting of said townships on the second Monday of July following at such place as he shall deem advisable, and at such time as shall be provided for the annual meeting in the act under which said township school districts shall organize. If said township school districts are either or both operating under act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, as amended, they shall elect trustees on the second Monday in July following the affirmative action of the legal school electors, organize the board of education, and operate on and after said second Monday in July under said act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, as amended. If said township school districts are operating under any other special act they shall elect trustees on the second Monday in July following the affirmative action of the legal school electors, organize the board of education, and operate under act number one hundred seventeen of the public acts of nineteen hundred nine, as amended. In the election of the first school board under the provisions of this act, the county commissioner of schools shall designate two members of the township board of each township to act as a board of election inspectors to conduct the election. The ballots shall be taken, counted, and canvassed in the same manner that is now provided for the counting of ballots under the general election laws. The hours at which the polls shall be open shall be the same as that provided for the annual meeting in the act under which the township school district will be organized after the consolidation. The board of education of each township school district shall continue to act for its township school district until the election and organization of a township school board as herein provided: Provided, That if the township districts to be consolidated are located in more than one county, the superintendent of public instruction shall designate the county commissioner of schools whose duty it shall be to call the election as herein provided.

Trustees,
election of.

Canvass
of vote.

Proviso.

(355) SEC. 4. When any two township school districts have been consolidated as herein provided, the existing boards of education of each township school district shall meet in joint session with the board of education as herein provided immediately after its organization and settle with the treasurer of the boards of education of said townships. Then and there the officers of the boards of education shall turn over to the proper officers of the board of education elected for the consolidated township school district, all records, papers, books, money and other property belonging to the district. Said records, papers, books, money, and other property shall thereafter constitute the property of said consolidated township school district.

Records, etc.,
how trans-
ferred.

CLASSIFICATION OF CERTAIN SCHOOL DISTRICTS.

An Act to classify all school districts, now in existence or hereafter created, which shall have a population of five hundred or more and less than seventy-five thousand as districts of the third or fourth classes; to provide for the government, control and administration of such school district and the schools therein through boards of education; to provide for the manner of nomination and election of such boards and their powers and duties; and to repeal all general or special laws that conflict with the provisions of this act.

[Act 166, P. A. 1917.]

The People of the State of Michigan enact:

(356) SECTION 1. Each and every school district now organized and existing under the laws of this state, and any school district or districts which hereafter may be formed and organized under the said laws, which has a population of five hundred or more and less than seventy-five thousand, shall constitute and continue to be a school district under this act, to be designated and known as the "School District of (here insert the name of the city, village or township in which the whole or the greater part of said school district is situated)," with the same territorial limits which it now has or shall have when formed and organized: Provided, That the territorial limits of any school district may be increased or decreased at any time by consolidation, division or otherwise in accordance with the laws of this state.

Continuation
of districts.

Proviso,
territorial
limits.

(357) SEC. 2. The said several school districts shall be and hereby are divided into two classes as follows:

Classification.

(a) Each school district having a population of twelve thousand or more and less than seventy-five thousand, shall be a school district of the third class;

(b) Each school district having a population of five hundred or more and less than twelve thousand shall be a school district of the fourth class.

Computation
of population.

(358) SEC. 3. In each and every school district described in section one of this act which embraces all of the territory comprised in a city, village or township, and only that, or which embraces all of the territory comprised in one or more wards of a city and only that, or which embraces all the territory comprised in a city and township, a village and township, or two or more townships, and only that, the latest United States census as set forth in the official report thereof shall be the basis on which the population of said school district shall be computed.

Idem.

(359) SEC. 4. In every other school district described in said section the population shall be determined by multiplying the number of school children of that district, as shown by the annual school census, provided for by the laws of this state, taken in the year in which the latest United States census is taken, by the quotient obtained by dividing the total population of the county in which the said district or the greater portion thereof is situated, as shown by the report of the latest United States census, by the total number of school children of the said county, as shown by the school census for the year in which the latest United States census is taken.

Change
of class.

(360) SEC. 5. No change shall be made by any school district from one class of school districts to another except after the taking of a United States census which shall show the population of such school district to be such as to entitle it to make such change, or except after the taking of a United States census the method of computation provided for in section four of this act shall show, in a district where it is proper to use it, that the population of said district is such as to entitle it to change from one class of school districts to another, or except where the population of two districts consolidated subsequent to the taking of the latest United States census and ascertained from the official report of such census, or, in a proper case, by the method of computation provided for in section four of this act, is such as to entitle the consolidated district to be in a class different from the class of either of the districts consolidated.

Annexed
territory.

(361) SEC. 6. Whenever hereafter any territory shall be annexed to any city, village or township forming the whole or a part of a school district of the third or fourth class, the territory so annexed shall become a part of the contiguous school district embracing the whole or some part of said city, village or township, and all property of any school district, situated wholly upon the territory so annexed, shall become the property of the school district to which the said territory is adjoined, and said last named district shall assume and pay such proportion of the then existing school indebtedness of the district from which such territory is taken as the assessed value of the taxable property in the territory annexed shall bear to the total assessed value, before such annexation

was made, of the taxable property of the entire district from which such territory is taken, the value as shown by the assessment roll for the year preceding the annexation to be used as the basis of the computation.

(362) SEC. 7. Each and every school district described in section one of this act shall be a body corporate, under the name aforesaid, may sue and be sued in its own name, may acquire and take property, both real and personal, for educational purposes, by purchase, gift, grant, devise or bequest, may hold and use the same for such purposes, and may sell and convey the same as the interests of the said school district may require, subject to the conditions herein contained and to the general school law of this state. As such body corporate each and every said school district shall be the successor of any school district corporation heretofore existing within the same territorial limits, and shall be vested with the title to all property, real or personal, now or hereafter vested in the corporation of which it is the successor, and the indebtedness and obligations of the corporation superseded shall become and be the indebtedness and obligations of the succeeding corporation under this act.

Body
corporate.

(363) SEC. 8. In each respect and matter not hereinbefore provided for, every school district of the fourth class hereunder shall be subject to and governed by the provisions of the law for graded school districts.

Fourth-class
districts.

(364) SEC. 9. In each school district of the third class hereunder the board of education shall consist of seven members, two of those elected members at the first election held under this act shall serve for two years, two for four years and three for six years; thereafter at the next school election immediately preceding the expiration of the respective terms of these officers their successors shall be elected to serve for terms of six years and until their successors are elected and qualify: Provided, That to provide for a board of education of seven members in school districts which have heretofore organized under this act there shall be elected at the first election after this amendment takes effect one member whose term of office shall be for the same period as if he had been elected at the first election for six years.

Board of
education,
third class
district.

Proviso.

Am. 1921, Act 44.

(365) SEC. 10. The regular annual school election in each school district of the third class shall be held at the time specified by the law in force in said district, when this law shall go into effect, but the time for holding such election may be changed to the first Monday in June of each year in any such school district, if a majority of the qualified school electors voting in said district voting thereon vote in favor of such change at a regular or special election at which the question of such change is properly submitted to the voters of said district. The members of the board of education in

Annual school
election.

all school districts of the third class hereunder shall be elected at the regular annual school election.

Special elections.

(366) SEC. 11. Special election may be called by the board of education in any school district of the third class hereunder at such times and places in such district as they shall designate, and it shall be the duty of such board to call such an election on receipt of the written request of not less than twenty-five of the legal school voters of the district, by giving the notice hereinafter prescribed. No special election shall be called unless the question to be voted on and decided thereat may lawfully be submitted at such election, and all questions to be submitted at such election shall be stated briefly in the notice thereof.

Qualified school elector, defined.

(367) SEC. 12. At any regular or special election in any district of the third class hereunder, every citizen of the United States of the age of twenty-one years or over, male or female, who owns property which is assessed for school taxes in such district, or who is the parent or legal guardian of any child of school age included in the school census of such district, and who has resided in said district at least three months next preceding such election, shall be a qualified school elector. Any qualified school elector of any such district who is the owner in his or her own right of property assessed for school taxes in said district and whose name appears on the assessment roll of said district at the time of a school election shall be eligible to be chosen as a member of the board of education for that district at said election: Provided, That where a husband and wife own property jointly, which appears on the assessment roll in the name of one of them only, each shall be eligible to be chosen as a member of the board of education for the district where they are voters and their property is situated.

Qualifications of board members.

Proviso, husband and wife.

(368) SEC. 13. In any school district of the third class hereunder where the annual school election is held at the same time as the city, village or township election, the board of registration, the election commissioners and inspectors and other election officials provided by law for such city, village or township election shall act in their respective capacities for said school election, but the registration and poll books of the school electors shall be kept separate and apart from all others and separate ballot boxes shall be used for the school election.

When school and municipal elections held at same time.

Registration and poll books.

When held at other times.

(369) SEC. 14. In any school district of the third class hereunder where the school election is held at another time than the time for holding the city, village or township election, the board of education shall divide said district into such voting precincts as in its judgment shall be necessary for the school registration and election. Such divisions shall be made at least twenty days prior to the first election held under this act, and a notice containing a diagram of the boundaries of each precinct, with a plain description and the

Precincts, when divided, notice given.

number thereof, shall be posted and published with the notice of registration hereinafter provided for. In any such district the board of education shall also provide such ballot boxes, poll lists and other supplies or equipment as may be necessary or proper for conducting the school registrations and elections in said district, shall act themselves as a board of election commissioners for such district, and shall appoint three qualified school electors in each voting precinct of said district to compose a board of registration and three qualified school electors in each such precinct to compose a board of election inspectors therefor, and such other officers, if any, as may be necessary to carry on the school registration and election in such district. Such appointments shall be made at least ten days prior to the time for conducting the registration or election, as the case may be, and the secretary of the board of education shall notify each person so appointed of his appointment. No person shall serve on such boards or as an election officer at a school election, unless he or she is a qualified school elector and resides in the precinct for which he or she is appointed, but the same person may be appointed as a member of both boards. In the event that an appointee is unable or refuses to act, the board of education before the time set for the registration or election may appoint another elector to take his or her place on the board or boards or as such officer. If any of the persons so appointed, for any reason, do not appear at the time and place designated for such registration or election, the member or members of the said board of registration or election inspectors present, or if no such member be present, the electors who are present at the place of registration or election, may choose a sufficient number of electors to take the place or places on the board of the member or members who do not appear. Each member of such board of registration or election and any other election officer appointed, before entering upon his duties shall take and subscribe the constitutional oath of office, to be administered by any member of the board of education. The members of either of said boards of registration or election inspectors may administer oaths in proper cases to persons applying for registration or offering to vote. Each member of the board of registration or election inspectors and each other election officer appointed by the board of education of any district shall receive two dollars per day for his services, the same to be audited, passed and paid in the same manner as other claims against said board of education, but in any district where the registration or election officers for the city, village or township election act at the same time as officers for the school registration or election they shall receive no pay for such services in addition to the pay which they receive for acting at the city, village or township election or registration. When the school registration is completed the registration books shall be turned over to the proper officials for use

Ballot boxes
and supplies.Election com-
missioners.Board of
registration.Election
inspectors.

Vacancies.

Idem.

Oath.

Per diem for
services.

Polls, time open.

by them on election day. In any district of the third class hereunder where the school registration or election is not held at the same time as the city, village or township registration or election the polls shall be open for registration and voting for such length of time as the board of education may prescribe.

Vote sworn in.

(370) SEC. 15. No elector of any school district of the third class hereunder, not registered as herein provided, shall be entitled or permitted to vote at any annual or special election of said school district unless his or her vote be sworn in substantially as is provided by the general election law.

Registration, how conducted.

The registration of the qualified electors in every such district shall be made in each voting precinct thereof, and the name, sex and address of each person registering and whether he or she is the owner of property assessed for school taxes and a parent or legal guardian of a child or children of school age shall be specified in the book or books used for school registration. Such registration shall in all respects not herein specified be conducted as near as may be in the same manner as the registration prescribed by the general election laws.

Laws applicable.

All laws of this state for preserving the purity of elections and for preventing fraud and corruption in registration, or elections, and in all matters not covered by the provisions of this act, the general election laws, shall apply in so far as they are applicable to registrations and elections under this act. The first registration of school electors in any district of the third class hereunder shall be made in each voting precinct of said district on the last Saturday previous to the date of the annual school election, as fixed by the law in force in such district when this act shall go into effect, and thereafter on the last Saturday preceding each annual school election in each precinct of every such district necessary changes shall be made in the registration lists by the board of registration of each precinct: Provided, That in school districts in which the school election is held on the same day as the city or township election, the registration of the qualified school electors in any district of the third class located in such city or township shall be on the same day or days, and by the same officer or officers, as that provided by the general election laws for said city or township: Provided, That the board of education of any such school district, whenever it deems it advisable, may provide for a general registration of school electors in each precinct of said district, but this registration shall not be earlier than ten days next preceding the annual school election in such district.

First registration.

Proviso.

Proviso, general registration.

Am. 1921, Act 167.

Notice of registration or election.

(371) SEC. 16. Notice of the time and place of holding any registration or annual or special election in any school district of the third class hereunder shall be given by the city, village or township clerk, where such registration or election is held

at the same time as the city, village or township registration or election, and by the secretary of the board of education, if such registration or election is held at another time than that at which the city, village or township registration or election is held. Such notice of election shall be given at least ten days before the election is to be held, and shall contain besides the time and place of the election, the offices to be filled and the names of the candidates for such offices, together with a brief statement of the substance of any questions to be submitted to the school electors at such election. Notice of the holding of a meeting of the board of registration shall be given at least fifteen days previous to the time of holding same, and shall contain, beside the time and place of holding it, a statement of the object of such meeting. Notices of registration or of election in any such district shall be written or printed and posted in at least three public places in each voting precinct of said district, and shall be published in one or more of the daily papers of general circulation in said district, if any there be, at least six times within the ten days next preceding the registration or election, and if there is no daily paper of general circulation in said district, the notice shall be published at least once within said period in all of the weekly newspapers of general circulation in said district.

When given.

Idem.

Posting and publication.

(372) SEC. 17. Nominations for members of the board of education of any school district of the third class hereunder shall be made by petition signed by not less than fifty qualified school electors of said district and this petition shall be filed, at least fifteen days before the election at which the nominee is a candidate, with the clerk of the city, village or township, if the school election is held at the same time as the election in the city, village or township in which said district is located, and with the secretary of the board of education for said district, if the election is held at another time than that at which the city, village or township election is held. Said petition shall be substantially in the following form: "We, the undersigned, resident school electors of the school district of(here insert the name of the district) hereby nominate(here insert the name of the candidate) as member of the board of education for the school district of(here insert the name of the district)." No elector shall sign petitions for more candidates than there are members of the board to be elected. Upon the filing of such petition the city, village or township clerk or the secretary of the board of education, as the case may be, shall place the same in the public files of his office and within five days preceding the election shall certify the names of all nominees to be voted on at said election to the election commissioners for said district.

Nomination of board of education.

Petition, form of.

Filing and certification.

(373) SEC. 18. The election commissioners for any school district of the third class hereunder shall prepare and have printed an official ballot for such district, which shall be sub-

Ballot, preparation of.

stantially in the same form as provided in the general election law, on which shall be placed the names of all those who have been duly certified to them as nominees for the office of member of the board of education of said school district. In the printing of such ballots the names shall be arranged first alphabetically and the first one hundred ballots printed accordingly, then the name at the top shall be put at the bottom for printing the second hundred and a corresponding change shall be made with each succeeding one hundred ballots printed. No party emblem or designation shall be placed upon school election ballots. At the head of each ballot shall be printed the words, "For Members of the Board of Education. Vote for (here insert the number to be elected)."

Canvass
of vote in
precinct.

Returns,
when and
where made.

District
canvass.

Filing
of result.

Who deemed
elected.

(374) SEC. 19. The board of election inspectors in each precinct of every district of the third class hereunder immediately after the close of the polls at any election shall canvass the votes cast in their precinct and make a return thereof to the clerk of the city, village or township, in those districts where the school election is held at the same time as that of the city, village or township in which the district or the greater part thereof is situated, or to the secretary of the board of education, in those districts where the election is held at another time than the city, village or township election. The city, village or township clerk or the secretary of the board of education, as the case may be, shall present the returns certified to him for the whole district to the board of education for said district at its first meeting following the election. The board of education of each such district shall convene at the usual hour and place of meeting on the Thursday next succeeding any election and shall canvass the returns of the votes cast for all candidates for the office of member of the board of education and on any question or questions submitted to the voters of the district at such election, according to the returns filed with them by the clerk or secretary, as the case may be. When such canvass shall be finished the secretary of the board of education shall prepare a certificate in triplicate under the corporate seal of the district setting out the findings of the board in the matter of the election and giving in detail the number of ballots cast for each candidate and the number of ballots cast for or against any proposition or question submitted to the electors at such election, one copy of which he shall file in the office of the county clerk of the county, one in the office of the clerk of the city, village or township, in which the said district or the greater part thereof is situated, and one in his own office. At the first election held under this act in any such district the two persons receiving the highest number of votes for members of the board of education shall be declared elected to such office for the term of six years, the two receiving the next highest number of votes shall be declared elected to such office for the term of four years, and the two receiving the next highest number

of votes shall be declared elected to such office for the term of two years. In all succeeding elections in any such district the person or persons receiving the highest number of votes for the office voted for shall be declared elected to the same by the board of education. If at any election two or more persons shall receive an equal number of votes for the same office, the board of education shall choose one of said persons by lot as the person who shall fill the office. Within five days after the completion of the canvass, the secretary of the board of education shall notify in writing each person declared elected of his election, and within ten days after receipt of such notice, each person receiving the same shall file with the secretary his written acceptance of the office to which he has been elected and shall qualify by taking and subscribing the oath of office required by the constitution and filing the same with the secretary of the board.

When plurality elects.

Tie vote.

Notice to person elected.

Acceptance and oath.

(375) SEC. 20. The office of a member of the board of education of any district of the third class hereunder shall become vacant immediately upon the happening of any of the following events: The death of the incumbent, his resignation, his removal from office, his removal from the district, his conviction of any infamous crime, his neglect to file his acceptance of office, or his refusal to give or renew any official bond, within the prescribed time or his ceasing to be a taxpayer in the school district. In case of a vacancy or vacancies in the office of member of the board of education in any such district, the remaining members of the board, if three or more in number, shall immediately appoint a qualified elector to fill the vacant office or offices. In the event that the offices of four or more of the members of the said school board become or are vacant at the same time, the remaining members of the board, if such there be, shall call immediately a special election of the district to fill such vacancies, and if such election is not called by the remaining members of the board within twenty days after the happening of four or more vacancies, or if all of the offices of the members of the board shall become vacant, the clerk of the city, village or township in which the district or the greater portion thereof is situated shall call a special election for said district to fill the existing vacancies. Any person elected or appointed to fill a vacancy in the board of education of any district of the third class hereunder shall file his acceptance and qualify as hereinbefore provided and shall hold such office until the next succeeding annual election, at which time the electors of said district shall vote for nominees to fill such office for the unexpired portion of the term.

When office becomes vacant.

How supplied.

Special election to fill.

(376) SEC. 21. The members of the board of education of any district of the third class hereunder elected at the first election held under this act shall meet on the second Monday of July succeeding their election and annually on the same day thereafter, and organize the board by electing from their number a president, and secretary and a treasurer who need not

President, secretary and treasurer.

Meetings. be one of their number. The said board shall hold regular meetings on the second Monday of each month or on such other day or days as it may in its by-laws provide. The said board may in its by-laws provide for calling and holding special meetings. A majority of the board shall constitute a quorum and it shall keep a proper record of all of its proceedings.

Duties of treasurer. (377) SEC. 22. The duties of the treasurer of such board shall be to keep the funds of said district, to keep proper books of account thereof, to keep an interest account of the interest received from all school funds belonging to the district and credit all interest received thereon to said funds, to pay out the funds belonging to the school district for the purposes specified by law, or in the case of gifts or donations for the purposes for which said money is given or donated, on a proper order signed by the secretary and countersigned by the president of the said board, and such other duties as the said board may in its by-laws prescribe. The said board may prescribe the duties of the secretary, and provide for the salary to be paid the secretary and treasurer thereof and may require proper bonds from such officers. No member of such board of education or officer thereof except the secretary and treasurer shall receive any compensation for any service rendered the district and no member of such board of education or any officer thereof shall be pecuniarily interested in any way, directly or indirectly, in any contract with or for the schools of his district. No member of any such board shall be eligible to appointment to any position carrying with it compensation from the school funds for the space of at least one year following his retirement therefrom.

Duties of secretary. (378) SEC. 23. The board of education of any school district of the third class hereunder shall have the following powers and duties:

Powers and duties of board. (a) To locate, acquire, purchase or lease in the name of the district such site or sites for schoolhouses, libraries, agricultural farms, athletic fields and play grounds as may be necessary, to purchase, lease, acquire, erect or build such building for school or library or for use in connection with agricultural farms, athletic fields and play grounds, as may be necessary, to pay for the same out of the funds of the district provided for that purpose, to sell any real or personal property of the district which is no longer required thereby for school purposes and to give proper deeds, bills of sale or other instruments passing title to the same;

Sites, buildings, etc. (b) To institute and maintain proceedings in the proper court for the condemnation of private property for public use for all purposes for which said board is authorized by law to acquire and hold property, when said board shall have first declared the taking necessary for such use and that the same is for the use and benefit of the public. When the board shall have made such declaration such condemnation proceedings shall be instituted and conducted in the court specified and

Condemnation of property.

in the manner provided by the general laws of the state relating to the condemnation of private property for public use;

(c) To establish and carry on such grades, schools and departments or courses of study as it shall deem necessary or desirable for the maintenance and improvement of public education; Grades, departments, etc.

(d) To establish, equip and maintain agricultural, trade and other vocational schools and, if deemed necessary by such board, to acquire land outside the limits of the said school district therefor, and to have general control thereover for school purposes; Vocational schools.

(e) To borrow for temporary school purposes such sum or sums of money and on such terms as it may deem desirable and to give notes of the district therefor: Provided, That no such loan shall be made for any sum which together with the total amount of any outstanding loan or loans for such purposes shall exceed the sum of ten dollars per capita of the school population of the district; Borrow money.
Proviso.

(f) To borrow such sum or sums of money as it may deem necessary to purchase sites for buildings, play grounds, athletic fields or agricultural farms and to purchase or erect and equip any building or buildings which it is authorized to purchase and erect, or to make any permanent improvement which it is authorized to make, and to accomplish this by the issue and sale of bonds of such school district in such form or on such terms as the board may deem advisable, or by any other reasonable means: Provided, That no loan shall be made and no bonds shall be issued for a longer term than twenty years nor for any sum which together with the total outstanding indebtedness of the district shall exceed two per cent on the assessed valuation of the taxable property within such district unless the proposition of making such loan or of issuing bonds shall have been submitted first to a vote of the school electors of the district at a general or special school election and approved by a majority of the electors actually voting on the same, in which event loans may be made or bonds may be issued for the purposes hereinbefore set forth in an amount which together with the total outstanding indebtedness of the district shall not exceed five per cent on the assessed valuation of the taxable property within the district; Idem.
Proviso.

(g) To have the care and custody of all school property and to provide suitable school privileges, sanitary conditions, and medical inspection for the schools of the district; Care and custody of property.

(h) To fix the length of time school shall be kept in all of the schools of the district and to keep the said schools open and free to all persons over five years of age, residents of the district; Term time.

(i) To establish and maintain or continue a library or art museum for the public schools of the district, if it shall deem it advisable to do so, and to provide for its care and Library or museum.

management. For this purpose said board of education may appoint librarians and hire other employes for such library or museum and fix their salaries, may purchase such books and apparatus as may be necessary, and may include in the general budget for the purpose of the schools such sums as may be necessary for buildings for, and for the maintenance and support of, any library or art museum established, and such board of education may appoint a board of library commissioners of not to exceed seven persons. Such library board shall have control and direction of the public library or libraries in such district subject to the approval of the board of education therein, and shall keep a correct record of its proceedings. All moneys for any such libraries including the fines devoted by law to the maintenance of district or school libraries in such district, which when collected shall be paid to the treasurer of the board of education therein, shall be kept by said treasurer and paid out by him on the order of the board of library commissioners approved by the secretary of the board of education;

Board of
library com-
missioners.

Census.

(j) To provide for the taking of a school census as required by law;

Annual
report.

(k) To make an annual report to the superintendent of public instruction at such time and in such form as he may prescribe;

Civil service.

(l) To adopt if it shall deem it advisable, civil service rules for the appointment of teachers who have satisfactorily served a probationary period of not less than three years in the schools of said district;

Superin-
tendent.

(m) To contract with, appoint and employ a suitable person, not a member of said board, who shall be a college graduate or have educational qualifications equivalent thereto, as superintendent of the public schools under the control of the board, who shall hold his office for a term fixed by the board and not to exceed five years, and shall have the same powers and duties as the superintendent of a graded school district under the laws of this state;

Business
manager.

(n) To appoint, in its discretion, a business manager for the school district and fix his term of office;

Annual
estimate.

(o) To make an estimate annually on a day to be determined by the board of the amount of taxes deemed necessary for the ensuing year for the purpose of expenditure within the power of the board, which estimate shall specify the amounts required for the different objects, and to report the same as the regular school tax levy for such district to the proper assessing officer or officers, who shall apportion the school taxes in the district in the same manner as the other taxes of the city, village or township are apportioned, and the amount so apportioned shall be assessed, levied, collected and returned for each portion of the district in the same manner as the taxes of the city, village or township including

such portion of the district: Provided, That no greater sum than twelve mills on the dollar shall be levied in any one year for all purposes within the power of the board; and provided in all school districts hereunder in cities having a board of estimates the amount shall be approved by such board of estimates before levy shall be made;

Proviso,
limit.

(p) To certify to the treasurer of the district for payment out of the school funds thereof all claims and demands against the board or district, which shall be allowed by the board under such rules and regulations as it may establish;

Claims.

(q) To print and publish immediately after each meeting in such manner as the board shall decide all proceedings of the board at such meeting and to make and publish annually, at the end of the fiscal year, in some daily or weekly newspaper of general circulation in said district, either separately or in connection with the report or reports of the city, village or township in which the said district or the greater part thereof is situated, a complete report of all its receipts and expenditures;

Reports.

(r) And in general to do anything not inconsistent with this act which is necessary for the proper establishment, maintenance, management and carrying on of the public schools of such district.

(379) SEC. 24. In all matters pertaining to the public schools not provided for in this act the general school laws of the state shall govern and be in effect.

When general
laws to
govern.

(380) SEC. 25. From and after the time when this act shall go into effect according to its terms all acts or parts of acts whether local, special or general, in any wise contravening any of the provisions of this act shall be repealed.

Acts repealed.

(381) SEC. 26. The foregoing provisions of this act shall not take effect in any school district having a population which brings it within the classification provided for by this act until approved by a majority of the school electors of such district voting thereon at an election at which the question of the adoption of this act for that district is properly submitted. At some regular annual school election within three calendar years after the passage of this act, in each school district having a population of five hundred or more and less than seventy-five thousand, ascertained in the manner hereinbefore provided, the question of the adoption of this act for said district shall be submitted by the proper officers to the school electors of said district. In each district which shall thereafter attain a population of five hundred or more and less than seventy-five thousand ascertained in the same manner, the question of the adoption of this act for such district shall be submitted to the school electors thereof at the annual school election following the attainment of such a population, ascertained as hereinbefore provided. In any district having the population described the question of the adoption of this act for such district shall be resub-

Referendum.

When sub-
mitted.

Resubmission.

Form of
ballot.

mitted to the school electors thereof at the next annual election whenever a petition asking for such resubmission at the next annual election of the district, signed by at least fifteen per cent of the school electors thereof, shall be filed with the election commissioners of the district at least thirty days before such meeting or election. The vote upon the question shall be by ballot which shall be in substantially the following form :

“Vote on proposition to adopt the act classifying school districts having a population of five hundred or more and less than seventy-five thousand, as districts of the third and fourth classes, and providing for the government, control and administration of such school districts and the schools therein.

“Make a cross in the appropriate square below.

“Shall the act classifying school districts having a population of five hundred or more and less than seventy-five thousand as districts of the third and fourth classes, and providing for the government, control and administration of such school districts and the schools therein be adopted.

“Yes ().

“No ().”

How
furnished.

Such ballots shall be furnished by the board of education of any district in which the vote is taken, and shall be deposited in a ballot box provided for that purpose in each voting precinct of the district. Such ballots shall be cast, and canvassed and the results of the election certified in each school district in the same manner as are ballots on any school question submitted to the school electors of such district. If the majority of the qualified school electors of any district vote in favor of the adoption of this act, then the provisions hereof shall be in full force and effect in such district and not otherwise.

How can-
vassed, etc.

Laws con-
tinued in
force.

(382) SEC. 27. The laws governing the public schools in any district having the population provided for herein in force therein at the time of the adoption of this act by the electors of such district shall continue in force and the board of education of said district as provided for in such laws shall continue to act as the board of education therefor, until a new board shall be elected and organized as herein provided, after which time the board of education as heretofore constituted in such district shall turn over to the new board of education, elected under this act, all the property, books, records, material, money and effects belonging to such school district, and thereafter the board provided for by this act and its successors shall be responsible therefor.

Until new
board elected.

An Act relative to free schools of cities having a population of two hundred fifty thousand or over, and comprising a single school district.

[Act 65, P. A. 1919.]

The People of the State of Michigan enact:

- (383) SECTION 1. The board of education of any city having a population of two hundred fifty thousand or over, comprising a single school district, may exercise any power herein stated, and shall have such rights as are herein given, and shall be governed hereby with respect to things herein stated, notwithstanding the provisions of any general law or special act to the contrary. Powers of school boards.
- (384) SEC. 2. Its members shall be nominated as shall be provided by law for the nomination of officers of the city. Members, how nominated.
- (385) SEC. 3. Its boundaries are hereby made and shall be co-extensive with the boundaries of the city and any change in the latter shall automatically work the same change in the former: Provided, however, If in the annexation to the city of a portion of an adjoining school district, the remainder shall be without school facilities, it shall furnish school facilities to such remainder, on being paid therefor a sum of money equal to the amount such remainder would raise in taxes for school purposes, if such remainder was a part of the city's school district. It shall assume and pay the debts and liabilities of the district thus divided. It shall take possession of the sinking fund, if any exists, of the district thus divided. It shall take and have the right to collect all unpaid school taxes of the portion of the district taken. It shall take, based on the last school census, such part of the primary school money unexpended and in the treasury of the district, thus divided, as the number of children of school age in the portion taken bears to the number of children of school age, in the whole district thus divided. It shall take and receive such portion of the unexpended school taxes collected and in the treasury of the district thus divided, as the assessed value of the portion taken bears to the whole district thus divided. In other cases, it shall have no obligation or responsibility towards the remainder or portion of district not annexed. It shall have title to all public school property within its boundaries and in any addition thereto, whether by law or by annexation proceedings, title to any of the public school property in the portion added or taken, shall pass to it. Boundaries of district.
Proviso, facilities for outsiders.
Liability of divided district.
Unpaid taxes.
Primary school money.
Ratio of unexpended school taxes.
Title to school property.
- (386) SEC. 4. Its annual budget shall be prepared at the same time and in the same way, as the city's budget, and shall be submitted to and considered by the same board or officers. Annual budget.
- (387) SEC. 5. Its fiscal year shall be identical with that of the city. Fiscal year.

Contracts for work, etc.

(388) SEC. 6. It may authorize a contract for work or services before the money is available, if an appropriation or an authorization of bonds has been made for it and may, after an appropriation or an authorization of bonds has been made, authorize its financial officers to borrow, on the best terms obtainable on the credit of such appropriation or authorization of bonds, any sums necessary to make any payments demanded by said contracts.

Cafeteria for pupils.

(389) SEC. 7. It may sell meals to the pupils, but not at a financial loss to the district. It may make a contract for this privilege for a period of not more than three years, or it may engage directly in the business.

Gifts of land.

(390) SEC. 8. It may use and may take, without restriction as to location or amount, land by gift or devise.

Powers relative to employes.

(391) SEC. 9. It shall have full power over its employes, may specify the duties to be performed by them, and fix the qualifications necessary for any position, notwithstanding any general or special law to the contrary.

Truant school.

(392) SEC. 10. It may establish, maintain and conduct a parental or truant school for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of the city of compulsory school age, who may be committed thereto by a court of competent jurisdiction, or admitted thereto on the recommendation of such judge with the consent of their parents or guardians. It shall give no religious instruction in such school, nor shall it furnish clothing to any child and no child shall be committed or admitted thereto who has ever been convicted of any offense, punishable by confinement in any penal institution.

Unsold bonds, validity of.

(393) SEC. 11. Whenever it or its financial officers attempt to sell bonds, the proceeds of which are to be used for school purposes and the bonds are not sold, all the proceedings which do not affect or bear upon the objection, or disability which render the sale impossible, shall be valid and effectual and may be used to support a subsequent sale, when the objection or disability has been removed.

Rate of interest on bonds, etc.

(394) SEC. 12. Bonds for the purpose of the schools may be issued as herein and as otherwise heretofore provided, but shall bear interest at a rate not exceeding six per centum per annum; they may be issued serially or all made to mature at a fixed time. If the latter, a sinking fund shall be created to provide for their payment, but if the city has a sinking fund, and by custom or law the debt of the school district has been provided for by the city's sinking fund, this may be continued and all of said city officers charged with this duty are for this purpose ex-officio made the officers of the school district.

Sinking fund.

Am. 1921, Act 72.

Short term loans.

(395) SEC. 13. In addition to its other powers, it may with the consent of the legislative body of the city, authorize its financial officers to borrow for a period of one year or less,

on the best terms obtainable, any sums necessary to pay any awards in condemnation proceedings.

(396) SEC. 14. Any local agency or local officer charged by special or local act passed by the state legislature, with any duty or responsibility to any school or school district, is hereby on the revision or amendment of said act by local authority made the agent or officer of the school district for the performance of the said duty and the discharge of the said responsibility. Local officer made agent of district.

(397) SEC. 15. It shall have no power to admit pupils, both of whose parents live outside the city, to its schools without payment of a tuition fee, nor shall it exercise any power herein conferred except in the manner provided by law for its guidance. Tuition for non-resident pupils.

Sec. 16 declares this act to be immediately necessary for the preservation of the public peace, health and safety.

TEACHERS' INSTITUTES.

An Act to provide for the better support of teachers' institutes, and to repeal sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one of the compiled laws of eighteen hundred and seventy-one.

[Act 53, P. A. 1877.]

The People of the State of Michigan enact:

(398) § 5970. SECTION 1. That all boards or officers, authorized by law to examine applicants for certificates of qualification as teachers, shall collect, at the time of examination, from each male applicant for a certificate, an annual fee of one dollar, and from each female applicant for a certificate, an annual fee of fifty cents, and the director and secretary of any school board that shall employ any teacher who has not paid the fee hereinbefore provided, shall collect, at the time of making contract, from each male teacher so employed, an annual fee of one dollar, and from each female teacher so employed, an annual fee of fifty cents. All persons paying a fee as required by this section, shall be given a receipt for the same, and no person shall be required to pay said fee more than once in any school year. Boards to collect fees from applicants for certificates.
When to be collected by director, etc., of school board.
Receipt.

ACT VALID: This act does not conflict with Const., Art x, section 1, on the ground that the fees are specific taxes; nor on the ground that the fees are not uniform. This section is not defective, incomplete, ineffectual and is valid.—Hammond v. School Board, 109/676.

(399) § 5971. SEC. 2. All such fees, collected by the director or secretary of any school board, shall be paid over to the secretary of the county board of school examiners of the county in which they were collected, on or before the fifteenth day of March, June, September and December, ac- Disposition of fees.

companied by a list of those persons from whom they were collected, and all of such fees, together with all those that shall be collected by the county board of school examiners, shall be paid over by the secretary of said board of school examiners to the treasurer of the county in which they were collected, on or before the last day of March, June, September and December, in each year, accompanied by a complete list of all persons from whom said fees were collected, and a like list, accompanied by a statement from the county treasurer that said fees have been paid to him, shall be sent by said secretary to the superintendent of public instruction. All moneys paid over to the county treasurer, as provided by this act, shall be set apart as a teacher's institute fund, to be used as hereinafter provided.

Annual county institute.

(400) § 5972. SEC. 3. The superintendent of public instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor, and give due notice thereof: Provided, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of such institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held: Provided, however, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute may unite in the required application to said superintendent: Provided, also, That the said superintendent may, in his discretion, hold an institute for the benefit of two or more adjoining counties, and draw the institute fund from each of the counties thus benefited, as hereinafter provided.

Proviso, when optional with superintendent.

Proviso.

Proviso.

In case of inability of superintendent.

(401) § 5973. SEC. 4. The superintendent of public instruction, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is hereby authorized to appoint some suitable person for that purpose, who shall be subject to the direction of said superintendent. Every teacher attending any institute held in accordance with the provisions of this act, shall be given by the superintendent of public instruction, or by the duly appointed conductor, a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school, in order to attend said institute, shall not forfeit his or her wages as teacher, during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance.

Certificates of attendance.

Teachers attending not to forfeit wages.

Expense of institute, how paid.

(402) § 5974. SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, may demand of the county clerk of each county for the benefit of which the institute is held, who shall thereupon

draw an order on the county treasurer of his county for such sum, not exceeding the amount of the institute fund in the county treasury, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said superintendent or duly appointed institute conductor, from the institute fund in his hands, the amount of said order.

(403) § 5975. SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act, the auditor general shall, upon the certificate of the superintendent that he has made arrangements for holding such institute and that the county institute fund is insufficient to meet the expenses thereof, draw his warrant upon the state treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed one hundred dollars for each institute, and shall be paid out of the general fund. May draw on state treasurer.

(404) § 5976. SEC. 7. The superintendent is authorized to hold, once in each year, an institute for the state at large, to be denominated a state institute, and for the purpose of defraying the necessary expenses of such institute, the auditor general shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the state treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars and shall be paid out of the general fund: Yearly state institute. Provided, That not more than three thousand dollars shall be drawn from the treasury or any greater liability incurred in any one year to meet the provisions of this act. Proviso.

(405) § 5977. SEC. 8. The superintendent of public instruction, or the conductor of the institute by him appointed, drawing money from the county treasurer, under section five of this act, shall, at the close of each institute, furnish to the county treasurer, vouchers for all payments from the same in accordance with this act, and he shall return to the county treasurer whatever of the amount that may remain unexpended, to be replaced in the institute fund. Vouchers for payments.

BUREAU OF INFORMATION.

An Act to provide for the establishment in the office of the superintendent of public instruction of a bureau of information for the benefit of school officers, superintendents and teachers.

[Act 251, P. A. 1907.]

The People of the State of Michigan enact:

Information bureau, establish- ing of.

(406) § 5825. SECTION 1. The superintendent of public instruction shall establish and maintain in his office a bureau of information wherein teachers desiring employment may register and file such papers as to their qualifications as they may deem fit, and wherein school officers and superintendents may register vacancies in their respective schools. Each teacher so registering shall pay a fee of one dollar to the superintendent of public instruction, which fees shall be deposited with the state treasurer, and by him placed to the credit of the general fund.

Fee for registering.

Information free.

(407) § 5826. SEC. 2. Such information as is contained in said bureau shall be given without charge to all school officers, superintendents and teachers who may ask therefor, but neither the superintendent of public instruction nor any one employed in his office shall be required to recommend any teachers for positions.

COMPULSORY EDUCATION.

An Act to provide for the compulsory education of children, for penalties for failure to comply with the provisions of this act, and to repeal all acts or parts of acts conflicting with the provisions of the same.

[Act 200, P. A. 1905.]

The People of the State of Michigan enact:

Children of certain ages required to attend school.

(408) § 5979. SECTION 1. Every parent, guardian or other person in the state of Michigan, having control and charge of any child between the ages of seven and sixteen years, shall be required to send such child, equipped with the proper text-books necessary to pursue his or her school work, to the public schools during the entire school year, and such attendance shall be continuous and consecutive for the school year fixed by the district in which such parent, guardian or other person in parental relation may reside: Provided, That in school districts which maintain school during the entire year, and in which the school year is divided into quarters, no child shall be compelled to attend the public school more than three quarters in any one year; but the absence of no child shall be permitted for any two consecutive quarters: Provided, That in the following cases children shall not be required to attend the public schools:

Proviso, when school year divided into quarters.

Proviso, children not required to attend.

(a) Any child who is attending regularly and is being taught in a private or parochial school which has complied with all the provisions of this act and teaches such branches as are taught in the public schools to children of corresponding age and grade as determined by the course of study for the public schools of the school district within which such private or parochial school is located, or who, upon the completion of the work in such schools, shall present satisfactory evidence to the county commissioner of schools, and in appropriate cases, to the superintendent of schools, that he has completed sufficient work to entitle him to an eighth grade diploma;

(b) Any child who has received an eighth grade diploma from the public schools; or who is regularly employed as a page or messenger of either branch of the legislature, during the period of such employment;

Possessor of eighth grade diploma.

(c) Any child who is physically unable to attend school. If the truant officer is notified of the non-attendance of any child at school, and he shall find the one in parental control claiming that such child is physically unable to attend school, the truant officer may secure a written statement of a competent physician, certifying that such child is physically unable to attend school;

Physically unfit.

(d) Children over fourteen years of age who have completed the work of the sixth grade whose services are essential to the support of their parents may be excused by the county commissioner of schools or city superintendent of schools from attendance at school, on the recommendation of the board of education of the district in which such children reside, and said board shall certify to the officers herein mentioned the facts in all such cases: Provided, Nothing in this act or any other act shall prevent children fourteen years of age or over from procuring a permit to work outside of school hours, during the school year;

When services essential to support of parents.

Proviso, outside school hours.

(e) Children under nine years of age, whose parents do not reside within two and one-half miles, by the nearest traveled road, of some public school: Provided, That if transportation is furnished for pupils in said district, this exemption shall not apply;

Distance from school.

Proviso, free transportation.

(f) Any child twelve to fourteen years of age while in attendance at confirmation classes conducted for a period of not to exceed five months in either of said years; any child claiming exemption from attending school under subdivisions (a) or (b) hereof upon the ground of having completed sufficient work to entitle him to an eighth grade diploma, shall secure such permit as may be required under the statutes of Michigan covering the employment of minors, and shall be regularly employed at some lawful work if physically able so to do, or any child who has completed the work of the eighth grade who wishes to be employed at some labor for which a labor permit is not required may be granted an excuse for such work by the county commissioner of schools

Member of confirmation class, etc.

Permit required.

To report monthly.	<p>or the superintendent of schools of a city district, or duly authorized agents. Such child must present to the officer who issued the excuse satisfactory evidence each month that he or she is actually performing the work for which the excuse was issued.</p>
	<p>Am. 1917, Act 179; 1919, Act 132. Act 4 of 1919 also amended this act, deemed superseded by Act 132.</p>
	<p>As to the permit contemplated in paragraph (f), see section 433.</p>
	<p>A child over 16 years of age is not between the ages of 7 and 16 years, and as to construction of age limit, see <i>Jackson v. Mason</i>, 145/338. The board of supervisors may reimburse a deputy sheriff for attorney's fees paid to defend himself against an action of malicious prosecution for arrest on a warrant fair on its face, where the officer acted in good faith and was held not liable.—<i>Messmore v. Kracht</i>, 172/120. Charge held insufficient to sustain conviction.—<i>People v. Turja</i>, 157/530.</p>
County truant officer, bond, etc.	<p>(409) § 5980. SEC. 2. The county commissioner of schools in each county shall select a person of good moral character to act as truant officer for the county. The person so selected shall file with the county clerk his acceptance and oath of office and a bond in the sum of one thousand dollars, with two sufficient sureties to be approved by the county clerk. The person so selected shall be known as the county truant officer, and he shall have all the powers of a deputy sheriff, and he shall perform the duties of truant officer in all school districts of the county when directed to do so by the county commissioner of schools, except as hereinafter provided: Provided, That in cities having a duly organized police force it shall be the duty of the police authorities, at the request of the board of education, to detail one or more members of such police force to perform the duties of the truant officer in such city, but this provision shall not be construed as prohibiting such board of education from appointing any citizen not a police officer as truant officer: Provided further, That in graded school districts the board of education shall have authority to appoint one or more truant officers and fix the compensation of the same, said compensation to be paid by the district: And provided further, That in all townships of the upper peninsula organized as township unit districts, the board of education of such township shall have authority to appoint one or more truant officers for said township and fix the compensation for such service, said compensation to be paid from the proper funds of such school district. For all townships of the upper peninsula not organized as township unit districts the county truant officer appointed as herein prescribed shall act: Provided, That if in any graded district or township the board of education does not appoint a truant officer, the county truant officer shall act in such district or township. The truant officers herein provided for in cities, graded school districts and township unit districts shall give bonds to the board of education in the sum of five hundred dollars, said bonds to be approved by the board of education and filed with said board, and such officers shall have, within their jurisdiction and while, in the performance of the duties of truant officer, the powers of the deputy</p>
Powers.	
Proviso, certain cities.	
Further proviso, graded school districts.	
Further proviso, U. P.	
Proviso.	
Bonds.	

sheriff. The compensation of the county truant officer shall be three dollars per day for every day actually engaged in the discharge of his duties, and actual expenses, and all bills for such service shall be certified by the county commissioner of schools. In cities, when the board of education appoints a truant officer other than a police officer, said board shall fix the compensation for such truant officer and pay such officer from the incidental fund. The compensation and actual expenses of the county truant officer shall be allowed and paid in the same manner as the compensation of other county officers is allowed and paid by the county; and when the police authorities detail one or more members of the force as truant officers, they shall receive such compensation and actual expenses for such service as the board of aldermen or police commission may determine, and be paid from the same fund as the police authorities are usually paid: Provided, That this act shall not be so construed as to affect any existing appointment.

County truant officer, compensation.

How paid.

Proviso.

(410) § 5981. SEC. 3. (a) It shall be the duty of the school director of all school districts, except in city, graded and township districts, to provide the teacher, at the commencement of school, with a copy of the last school census, together with the names and addresses of the persons in parental relation, also address of the county commissioner of schools. The teacher shall, at the opening of school and at such other times as may be necessary, compare said census list with the enrollment of the school and report to the county commissioner of schools the names of the parents or other persons in parental relation whose children of the ages hereinbefore mentioned are not in regular attendance at school; also the names of parents or other persons in parental relation who have children of school age not included in such census and who do not attend school;

Copy of school census furnished teacher.

Duty of teacher.

(b) In all city, graded and township districts the secretary of the board of education shall, at the commencement of school, furnish a copy of the last school census to the superintendent of schools in such city, graded and township districts, together with the name and address of the truant officer under whose jurisdiction they act, and it shall be the duty of said superintendent at the opening of school to compare said census list with the enrollment of the school or schools, and from time to time as it may be necessary report to the proper truant officer the names and addresses of any parents or other persons in parental relation whose children of the ages hereinbefore mentioned are not in regular attendance at the public schools, also names of parents or others in parental relation whose children are not in the school and whose names are not included in such census; it shall be the duty of the principal, or any other person or persons in charge of every private and parochial school in any city or township of the county at the opening of such schools to furnish to

Census furnished supt. of schools in cities, etc.

Duty of superintendent.

Duty of principal, etc., of parochial, etc., school.

the said superintendent or county commissioner of schools the name, age and grade of the child and the city or number of the district, the township and county where the parent, guardian or person in parental relation resides and the name and address of the parent, guardian or other person in parental relation of every child who has enrolled in such schools, and from time to time to report to said superintendent or county commissioner the name, age and grade of the child and the city or number of the district, the township and county where the parent, guardian or person in parental relation resides and the name and address of the parent, guardian or other person in parental relation of every child who has enrolled in such schools, and the name, age and grade of the child and the city or number of the district, the township and county where the parent, guardian or person in parental relation resides and the name and address of the parent, guardian or other person in parental relation of every child who is not in regular attendance in such schools;

Truant officer to investigate truancy, etc.

(c) It shall be the duty of the truant officer of the city or district, whenever notified by the teacher, superintendent, or other person or persons of violations of this act, and the county truant officer, when notified by the commissioner of schools, to investigate all such cases of truancy or non-attendance at school, and if the children complained of are not exempt from the provisions of this act under the conditions named in section one, then he shall immediately proceed as it is provided in section four of this act: Provided, That it shall be the duty of the county truant officer when requested to do so by the county commissioner of schools to inspect the outhouses in primary districts and order repairs on the same, and in case the district board, after proper notification by the truant officer, fails to have such outhouses put in proper and sanitary condition it shall be the duty of the said truant officer to have such work done at the expense of the district;

Proviso, outhouses.

Penalty.

(d) In case any person, parent or other person in parental relation shall fail to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than five dollars nor more than fifty dollars, or imprisonment in the county or city jail for not less than two nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Am. 1917, Act 179; 1919, Act 132.

List of teachers furnished to truant officer.

(411) § 5982. SEC. 4. (a) It shall be the duty of the county commissioner of schools to furnish the truant officer of the county, at the opening of the schools, with a list of the teachers and superintendents employed in his county in school districts other than in such city, graded and township districts as are described in section two of this act;

Failure to send child to school.

(b) In case any parent or other person in parental relation shall fail to send the child or children under his or her

control to the public school, the truant officer, upon having notice from proper authority of such fact, shall immediately and within twenty-four hours thereafter give formal written notice in person or by registered mail, to the parent or other person in parental relation, that the child or children under his or her control shall present himself or themselves at the public school, except as hereinbefore provided, on the day following the receipt of such notice, with the necessary textbooks for instruction in the proper school or schools of the district or city. Said notice shall inform the parent or other person in parental relation of the date that attendance must begin and that such attendance at school must be continuous and consecutive during the remainder of the school year as taught in the district. The truant officer shall, at the same time the said formal notice is given to the parent or person in parental relation, notify the teacher or superintendent or commissioner of the fact of notice, and it shall be the duty of the teacher or superintendent or commissioner to notify the truant officer of failure on the part of the parent or other person in parental relation to comply with said notice;

(c) It shall be the duty of all truant officers, after having given the formal notice hereinbefore described, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply he shall immediately and within three days after having knowledge or being notified thereof, make a complaint against said parent or other person in parental relation having the legal charge and control of such child or children, before any justice of the peace in the county where such party resides for such refusal or neglect to send such child or children to school; and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by statute for other cases under his jurisdiction, and in case of conviction of any parent or other person in parental relation for violation of this act, said parent or other person in parental relation shall be punished according to the provisions of section three of this act: Provided, That in cities having a recorder's court and justices of the peace, the truant officer shall make the aforesaid complaint before the magistrate of said recorder's court or before a justice of the peace, and said magistrate or justice shall issue a warrant and proceed to hear and determine the case in the same manner as is provided in the statute for other cases under his jurisdiction;

(d) It shall be the duty of all school officers, superintendents, teachers or other persons to render such assistance and furnish such information as they may have at their command to aid such truant officer in the performance of his official duty.

Complaint,
when made
against
parent, etc.

Provido.

Teachers, etc.,
to aid truant
officer.

School boards may establish ungraded schools.

May require attendance.

Juvenile disorderly persons, who deemed.

(412) § 5983. SEC. 5. In any graded or city district in this state, the school board or officers having in charge the schools of such districts may establish one or more ungraded schools for the instruction of certain children as defined and set forth in the following section. They may, through the truant officer and superintendent of schools, require such children to attend said ungraded schools, or any department of their graded schools, as said board of education may direct.

(413) § 5984. SEC. 6. The following classes of persons between and including the ages of seven and sixteen years residing in graded school districts or cities as described in section five of this act shall be deemed juvenile disorderly persons and shall, in the judgment of the proper school authorities, be assigned to the ungraded school or schools as provided in section five of this act: Class one, habitual truants from any school in which they are enrolled as pupils; class two, children, who, while attending any school, are incorrigibly turbulent, disobedient or insubordinate, or are vicious and immoral in conduct; class three, children who are not attending any school and who habitually frequent streets and other public places, having no lawful business, employment or occupation.

Sec. 7 repeals Act 95 of 1895, being C. L. 1897, § § 4847-4852. See § 5985, C. L. 1915.

A charge that respondent was a disorderly juvenile offender, in that she neglected and refused to go to school, and was a truant and is an unmanageable child, is insufficient to sustain a conviction (C. L. 1915, § 15576).—People v. Turja, 157/530.

An Act to provide for the compulsory education of deaf children.

[Act 48, P. A. 1907.]

The People of the State of Michigan enact:

When children sent to school for the deaf.

Proviso.

Transportation given poor children.

(414) § 5986. SECTION 1. Every parent, guardian or other person in the state of Michigan having control or charge of any child or children between the ages of seven and eighteen years, and who by reason of deafness or imperfect hearing cannot be taught successfully in the public schools, shall be required to send such child or children to a day school for the deaf, the Michigan school for the deaf, located at Flint, or to such other school for the deaf as the said parent, guardian, or other person in parental control, prefers: Provided, That should the parent, guardian or other person in parental control of said child or children fail to meet the foregoing provision, then such child or children shall be sent to the Michigan school for the deaf, located at Flint.

(415) § 5987. SEC. 2. In cases where such parent, guardian or other person, on account of their poverty, are unable to furnish such child or children with transportation to and from such school, the board of trustees of the Michigan school for the deaf shall furnish such transportation each year, and

the said board of trustees may include therewith transportation for such parent, guardian or other person to said school and return, where the child is under twelve years of age, and for that purpose may issue a certificate directed to the auditor general that said amount is necessary for the benefit of such individuals, who shall draw his warrant upon the state treasurer therefor; and any such sums are hereby appropriated and shall be paid out of any moneys in the general fund, not otherwise appropriated, and the auditor general shall charge all such moneys, so drawn, to the county of which such parent, guardian or other person is a resident, or to which he or she belongs, to be collected and returned to the general fund the same as any state taxes are required to be by law.

Sums, how
paid and
where
charged.

(416) § 5988. SEC. 3. Act number two hundred of the public acts of nineteen hundred five, entitled "An act to provide for the compulsory education of children, for penalties for failure to comply with the provisions of this act, and to repeal all acts or parts of acts conflicting with the provisions of the same," shall apply in the execution of this act, and the officers mentioned in said act shall be required to report all cases of deaf children residing in their jurisdiction to the superintendent of the Michigan school for the deaf, and they shall enforce this act in the same manner as the said act number two hundred of nineteen hundred five is enforced. The same penalties prescribed for violation of said act are hereby prescribed for violation of this act.

Certain act
to apply.

Penalties.

COMPULSORY EDUCATION OF BLIND CHILDREN.

[Extracts from Act 123, P. A. 1893.]

(417) § 1474. SEC. 7. The period in which pupils shall be entitled to remain in said school shall be twelve years, or the board of control may, in cases where they deem it advisable, extend such time to fourteen years. This section shall not be so construed as to prohibit the said board of control from dismissing any pupil within the such period for persistent disobedience, immoral conduct, or other sufficient cause, neither shall anything in this act operate to prohibit the transfer of any child over the age of eighteen years to the Michigan employment institution for the blind upon consent granted by the board of control of the Michigan school for the blind, and whenever, in the discretion of said board, the transfer of any such child will be for its best interests or the best interests of the said Michigan school for the blind.

Time may
remain in
school.

Dismissal and
transfer.

NOTE.—Act 188, P. A. 1917, provides for the temporary care and maintenance of blind children under the age of six years in the state public school pending arrangements being made at Michigan school for the blind for care of said children.

Duty of secretary of state.

Census enumerator.

List of names of blind children, by whom made, verified, etc.

To whom forwarded.

Duty of supt. public instruction.

When children to be sent to Michigan school for blind.

(418) § 1476. SEC. 9. It shall be the duty of the secretary of state to make out and forward to the superintendent of the Michigan school for the blind, on or before the first day of November in each year, on blanks prepared for that purpose, a copy in detail of so much of the statistical information received by him by virtue of any law of this state as relates to the blind. It shall be the duty of each school census enumerator provided for in the general school laws of the state, within the district, ward, or portion thereof, allotted to him, to procure the name, age, residence, and the name and residence of the parents or guardians or persons in control or in charge of each blind child, and of each child whose vision is so defective as to make it impossible to properly educate such child in the public schools, between the ages of seven and nineteen years.

(a) The said enumerators in addition to their duties now prescribed in the general school laws shall make a list of the names of all blind children, or children whose vision is so defective as to make it impossible to properly educate them in the public schools, together with the data herein authorized to be secured, which list shall be verified by oath or affirmation of the person taking such census, by affidavit appended thereto, or inserted thereon, setting forth that it is a correct list of the names of all the children herein designated, residing within the particular school district, ward, or portion thereof. Said affidavit may be made before the township clerk or any other officer authorized by law to take acknowledgments. Blanks for this purpose shall be furnished by the department of public instruction to the secretary of every school board within the state. The said list shall, after it has been properly verified, and within the time prescribed by the general school laws for the filing of census lists, be forwarded by the secretaries of the said school boards to the superintendent of public instruction and a copy thereof shall be filed with the proper officer of the township or city, as the case may be. The said superintendent of public instruction shall, immediately upon receipt of the various lists, prepare and tabulate a report containing the name, age and residence of each blind child, and each child whose vision is so defective as to make it impossible for it to be properly educated in the schools for the seeing within this state, together with the names and residences of the parents, guardian, or person having the control of any such child, which report shall be forwarded to the superintendent of the Michigan school for the blind.

(b) It shall be the duty of every parent, guardian, or other person, having control or charge of any child or children in the state of Michigan, between the ages of seven and nineteen years who are blind, or whose vision is so defective as to make it impossible to have them properly educated in the schools for the seeing, to send such child, or children, to the Michigan school for the blind, to be received at that school in

accordance with the provisions of the statute, and the rules and regulations which are or may be prescribed by the board of control of said school: Provided, That the parents, guardian or person having control of any such child shall not be required to send them to the Michigan school for the blind when they come within any one of the following classes:

Proviso, exceptions

(1) Any child or children being educated in any private or parochial school;

(2) Any child or children physically or mentally incompetent of being educated;

(3) Any child or children over the age of seventeen years who have been taught and are employed and are working at a trade;

(4) Any child or children of the age of eighteen years employed at the Michigan employment institution for the blind;

(c) It shall be the duty of the superintendent of the Michigan school for the blind to furnish to the county commissioner of schools of every county, and to the secretary of the school board in every city or village, a list of the names of such children within such county, city or village, as come within the provisions of this act. Each truant officer shall, when notified by the board of control, or by the superintendent of the Michigan school for the blind, or by anyone appointed or designated by them, or by the county commissioner of schools, that there are within such village, city or county, as the case may be, children who come within the provisions of this act, investigate all such cases and report the conditions found to exist to the superintendent of the Michigan school for the blind, and the commissioners of schools of the county. The superintendent of the Michigan school for the blind shall, upon receipt of such report from any truant officer, determine whether or not the children in question are included within the provisions of this act, and if in his judgment such children are included within the provisions of this act, and are not included within the exempted classes named herein, he shall notify the proper truant officer, who, upon receipt of such notice, shall take such steps against the parents, guardian or other person having charge or control of any such child or children, to enforce the provisions of this act, as are now prescribed in act two hundred of the public acts of nineteen hundred five, as amended, relative to compulsory education under the general school law.

Duty of superintendent of school.

Truant officer.

When superintendent to notify truant officer.

When to enforce act.

(d) In case when such parent, guardian or other person, on account of indigent circumstances, are unable to furnish such child or children with transportation to and from such school, the board of trustees of the Michigan school for the blind shall provide such transportation each year, and the said board of trustees may include therewith transportation for such parent, guardian or other person to said school and return, when the child is under twelve years of age, and for that purpose may issue a certificate directed to the auditor general that said amount is necessary for the benefit of such

Proceedings in indigent cases.

individuals, who shall draw his warrant upon the state treasurer therefor, and any such sums are hereby appropriated, and shall be paid out of any moneys in the general fund, not otherwise appropriated, and the auditor general shall charge all such moneys, so drawn, to the county of which such parent, guardian or other person is a resident, or to which he or she shall belong, to be collected and returned to the general fund, the same as any state taxes are required to be by law.

Penalty for violation.

(e) Anyone refusing to comply with any of the provisions of this act, and any parent, guardian or other person who shall wilfully refuse to send any children coming within the provisions of this act and not herein expressly exempted, to the Michigan school for the blind, or who shall detain any such children who should be in attendance at said school, shall, upon conviction by any court of competent authority, be deemed guilty of a misdemeanor and shall be subject to such penalties as are prescribed in said act two hundred of the public acts of nineteen hundred five as amended for the violation of any of its provisions. All provisions of said act two hundred of the public acts of nineteen hundred five are made applicable hereto except in so far as they may be inconsistent herewith.

Act applicable.

INSTRUCTION, ETC., OF ADULT BLIND PERSONS.

An Act authorizing the superintendent of public instruction to afford suitable instruction and vocational training to adult blind persons in their respective homes and communities, with a view to meeting their educational needs and enabling them to contribute to their own support, and to employ assistants therefor, and making an appropriation to meet the same.

[Act 219, P. A. 1919.]

The People of the State of Michigan enact:

Instruction, etc., of blind adults.

(419) SECTION 1. The superintendent of public instruction is hereby authorized to provide direction and supervision of suitable instruction and training of adult blind residents of this state in their respective homes or communities, with a view to meeting their educational needs and enabling them to contribute to their own support.

Co-operation.

(420) SEC. 2. In the discharge of the foregoing powers, the superintendent of public instruction is authorized to cooperate with the boards of education of local communities and with such organizations and institutions as he shall deem necessary.

May employ assistants.

(421) SEC. 3. The superintendent of public instruction is hereby authorized to employ such assistants, not in excess of two, as may be necessary to carry out the intents and purposes of this act. The compensation of such assistants shall not exceed the sum of one hundred twenty-five dollars per

Compensation.

month and actual and necessary expenses for the time actually engaged in such work; and the same shall be paid from the general fund on warrant from the auditor general in the same manner that the clerks in the department of the superintendent of public instruction are paid. How paid.

(422) SEC. 4. There is hereby appropriated out of the general fund in the state treasury, for carrying out the provisions of this act, for the fiscal year ending June thirty, nineteen hundred twenty, the sum of six thousand dollars, and for the fiscal year ending June thirty, nineteen hundred twenty-one, the further sum of six thousand dollars. And the auditor general shall add to and incorporate in the state tax for the year nineteen hundred nineteen the sum of six thousand dollars, and for the year nineteen hundred twenty the sum of six thousand dollars, to reimburse said fund for the sums hereby appropriated. Appropriation.
Tax clause.

CARE AND INSTRUCTION OF BLIND BABIES.

An Act to provide for the care, maintenance and instruction of blind babies and children under school age.

[Act 258, P., A. 1913.]

The People of the State of Michigan enact:

(423) § 1480. SECTION 1. The state board of education shall have power to provide for the suitable care, maintenance and instruction of babies and children under school age residing in this state, who may be born blind or become blind in any case where by reason of lack of means or other cause the parent or parents of such children may be unable to properly care for, maintain and educate such children. Blind children, care, etc., of certain.

(424) § 1481. SEC. 2. For the purpose of providing such care, maintenance and education the said board of education shall have power to contract with any institution having or furnishing facilities for such care, maintenance and education in this or any other state at a contract price to be agreed upon, not exceeding five dollars per week per child: Provided, That such contract shall be made by and with the written consent of the parents or surviving parent of any such child. Maintenance, education, etc.
Proviso.

(425) § 1482. SEC. 3. Such contract shall continue in force and the care, maintenance and education provided therein shall continue until such child attains the age of six years. Time child to be kept.

(426) § 1483. SEC. 4. There shall be included in the tax to be levied for state school purposes, a rate sufficient to raise the sum of twenty-five hundred dollars, in addition to all other sums provided by law, which sum, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act. Tax clause.

(427) § 1484. SEC. 5. Nothing in this act contained shall be deemed to repeal or in any way modify any existing law with reference to the education of the deaf, dumb and blind.

MISCELLANEOUS OFFENSES.

An Act to prevent crime and to punish truancy.

[Act 222, P. A. 1887.]

The People of the State of Michigan enact:

What children deemed truants or disorderly persons.

(428) § 15576. SECTION 1. That every boy between the age of ten and sixteen years, or any girl between the age of ten and seventeen years, who shall frequent or be found lounging about saloons, disreputable places, houses of ill fame, or who shall be an inmate or resident or a member of a family who [reside] resides in any house of ill fame, or conduct any other disreputable place, or who shall frequent other rooms or places where dissolute and disreputable people congregate, or where intoxicating liquors are kept for sale, or who shall, against the command of his or her parents or guardian, run away or wilfully absent himself or herself from the school he or she is attending, or from any house, office, shop, firm or other place where he or she is residing or legitimately employed with labor, or who shall against such command of his or her parents or guardian or for any immoral, disorderly or dishonest purposes be found lounging upon the public streets, highways or other public resorts or at places of amusement of dissolute or improper character, or who shall against any such command or for any [such] disorderly or dishonest purposes attend any public dance, skating rink, or show shall be deemed guilty as a truant or disorderly child.

A charge that respondent was a disorderly juvenile offender and was a truant and is an unmanageable child, is insufficient to sustain a conviction.—*People v. Turja*, 157/530.

Who to make complaint.

(429) § 15577. SEC. 2. Upon the complaint upon oath and in writing made before any justice of the peace, police justice or other criminal magistrate, by the parent or guardian, or other person knowing of the facts of his own knowledge, that any girl between the age of ten and seventeen years, or that any boy between the age of ten and sixteen years, or by the supervisor of any township, or mayor of any city, or president of any village, and in any city of over eight thousand population by the chief of police, mayor, or other person knowing of the facts of his own knowledge, that such minor has been guilty of any of the acts specified in section one of this act, such justice of the peace, police justice or other criminal magistrate, shall issue a warrant for the arrest of

such a minor, and upon conviction such minor, if a boy, may be sentenced by such justice of the peace, police justice or criminal magistrate, to the industrial school for boys at Lansing, and if a girl, to the industrial home for girls at Adrian, boys until eighteen years of age, and girls until twenty-one years of age, unless sooner discharged according to law: Provided, That no person or persons shall be sent to the said industrial school for boys or to the industrial home for girls until the sentence therein has been submitted to and approved by one of the judges of the recorder's court of the city of Detroit, or judge of the superior court of the city of Grand Rapids, or an circuit judge or probate judge of the county in which such conviction shall be had.

Term of sentence.

Provide, as to approval of sentence.

(430) § 15578. SEC. 3. The same proceedings shall be had upon the trial of any person charged with being guilty of any of the offenses mentioned in section one of this act before the justice before whom such person is brought as are had in trials for misdemeanor, as far as the same are applicable, and the state agent for the care of juvenile offenders of the county wherein such offenders may be on trial shall have authority and take the same action in the premises as is provided by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-three of this state.

Proceedings upon trial.

Duty of state agent.

An Act to provide for the punishment of persons responsible for or contributing to the delinquency of children.

[Act 314, P. A. 1907.]

The People of the State of Michigan enact:

(431) § 2028. SECTION 1. In all cases where any child shall be a delinquent child, or a juvenile delinquent person, as defined by the statutes of this state, the parent or parents, legal guardian or person having the custody of such child, or any other person, responsible for or by any act encouraging, causing or contributing to the delinquency of such child shall be guilty of a misdemeanor, and upon trial and conviction thereof, shall be punished by a fine not exceeding the sum of one hundred dollars or imprisonment in the county jail for a period not exceeding ninety days, or both such fine and imprisonment: Provided, That the court may, in its discretion, suspend sentence upon any person found guilty under this act upon conditions which may be imposed by the court at the time of the suspension of such sentence.

Parents, etc., of delinquent children, responsibility of, penalty.

Provide, as to suspension of sentence.

PROTECTION OF CHILDREN.

(From this act (260, P. A. 1881), only such portion is quoted as relates directly to students in schools.)

Minors or students, not permitted in saloon, etc.

(432) § 7223. SEC. 2. No minor child under seventeen years of age, nor any minor who is a student in any public, private or parochial school in the state of Michigan, shall be permitted to remain in any saloon, bar room or other place where any spirituous or intoxicating liquor, or any wine or beer, or any beverage, liquor or liquors containing any spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage; or in any place of amusement known as dance houses, concert saloons, variety theaters; or in any house of prostitution; or in any room or hall occupied or used for hire, gain or reward, for the purpose of playing billiards, pool, cards, dice or any other unlawful game; or in any room or hall used or occupied for gaming, pool-selling or betting in any manner whatever; or in any room or hall in which any cigars or tobacco are sold or kept for sale, where any such games are played. Any proprietor, keeper or manager of any such place who shall permit such minor child or minor student to remain in any such place, and any person who shall encourage or induce in any way such minor child or minor student to enter such place or to remain therein shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Misdemeanor.

Penalty.

EMPLOYMENT OF CHILDREN.

[Extract from Act 285, P. A. 1909.]

Child under 21 not to work where liquor sold.

Child under 15, where not to work.

Proviso, child under 14, on Saturday, etc.

(433) § 5331. SEC. 10. No child under the age of twenty-one years shall be employed, permitted or suffered to work in any theater, concert hall, or place of amusement where intoxicating liquors are sold. No child under fifteen years of age shall be employed, permitted or suffered to work in or in connection with any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, billiard or pool room conducted for profit, theater, passenger or freight elevator, factory or workshop, telegraph or messenger service within this state: Provided, This section shall not apply to any child of the age of fourteen years or over, working on Saturdays or other days during the school year, outside of school hours or during the established vacation

periods in preserving perishable goods in fruit or vegetable canning establishments or in any mercantile institutions, store, office, hotel, laundry, manufacturing establishment, factory or workshop, telegraph or messenger service within this state. It shall be the duty of every mercantile institution, store, hotel, office, laundry, manufacturing establishment, mine, bowling alley, workshop, telegraph or messenger service or any person coming within the provisions of this act to keep a register in which will be recorded the name, birthplace, age and place of residence of every person employed under the age of sixteen years, and it shall be unlawful for any such establishment or person to hire or employ, or permit to be hired or employed or suffered to work, any child under the age of sixteen years without there is first provided and placed on file in the business office thereof a permit issued by the superintendent of schools of the school district in which such child resides, or the county commissioner of schools, or some one duly authorized by him in writing, any of whom shall have power to administer oaths in relation thereto. Such permit shall be returned immediately to the issuing officer by the employer when such child leaves such employment. A child shall be considered as having withdrawn from his employment when he or she shall have absented himself or herself from work for five full working days without explanation. Every limited vacation permit, hereinafter to be described, shall, upon its expiration, be void and of no effect. The said register and permit shall be produced for inspection on demand of any factory inspector appointed under this act. No fee shall be charged for such permit or other record required by this act by any officer by whom it shall be issued. Every employer complying with the provisions of this section shall be at liberty to employ the person so presenting the permit hereinbefore referred to, and is justified in considering and treating such person as of the age shown in such permit and shall not be liable, if it transpire that such person is under the age represented in such permit, to any greater extent than such employer would be liable if such person were of the age represented. The person authorized and required to issue such permit shall not issue the same until he has received, examined, approved and filed the following papers duly executed:

(a) The school report of said child properly filled out and signed as hereinafter provided: Provided, however, That when such permit is issued during the summer vacation or for working on Saturdays or other days during the school year, outside of school hours no such record shall be required, but all such permits, called in this act limited vacation permits, shall expire upon the first Monday in September, commonly called Labor day, shall contain a conspicuous statement of the time at which they shall expire and shall be of a special color distinct from regular permits;

Register to be kept, what to contain.

Child under 16, not to be hired without permit.

Who to issue.

Return of permit.

Limited vacation permits.

Inspection of permit and register.

No fee for permit.

Prere-quisites to issuance of permit.

School report.

Provides, Saturdays, vacation, etc.

Limited vacation permits expire Labor day.

Attestation
as to birth.

(b) A passport, or duly attested transcript of the record of birth, as kept by any duly authorized public authority, or a record of baptism or other religious record, showing the date and place of birth of such child;

Idem,
physician's
statement.

(c) A statement from a physician connected officially with the board or department of health, which shall be required, however, only in case the above mentioned official or religious record cannot be produced, which statement shall certify that, in the opinion of the physician issuing said statement, the child is fifteen years of age or upwards, is in sound health and physically able to perform the work which it intends to do. Such statement shall also certify to the correct weight and height of said child, and shall be kept on file by the person issuing working permits; such person may, in his discretion, require also an affidavit from the parents or other evidence as additional proof of age;

Weight and
height.

Affidavit
from parents.

Ability to read
and write.

(d) A statement by the issuing officer that he has examined said child, that in his opinion the child can read intelligently and write legibly simple sentences in the English language, that in his opinion the child is fifteen years of age or upwards, fourteen years in the case of a vacation permit or a permit to work on Saturdays or other days during the school year, outside of school hours and has reached the normal development of a child of its age and is in sound health and physically able to perform the work which it intends to do, and that, in his opinion the services of the child are essential to the support of itself or its parents: Provided, That permits for vacation periods and Saturdays or other days during the school year, outside of school hours shall not certify that the wages of the child are essential to the support of the family. In doubtful cases, physical fitness for such work shall be determined by a medical officer of the board or department of health. Every such permit shall be signed in the presence of the officer issuing the same by the child in whose name it is issued; and shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the paper required by the preceding sections has been duly examined, approved and filed, and that the child named in such permit has appeared before the officer signing the same and been examined. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public school, or schools equivalent thereto, or parochial schools for not less than one hundred days during the school year previous to his arriving at the age of fifteen years or during the year previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English

Normal
development.

Proviso.

Doubtful
cases.

Permit, how
signed, what
to state.

School record,
how signed
and furnished.

What to con-
tain.

language, and in the case of the public schools, has passed satisfactorily the work of the school up to and including the work of the sixth grade, as provided in the course of study of the public schools, or in the case of schools other than public, the equivalent thereto. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parents or guardians or custodian: *Idem, age and residence.* Provided, That in the case of limited vacation permits or permits to work on Saturdays or other days during the school year, outside of school hours the school record and all other requirements relating to educational qualifications shall be waived, but all other requirements shall be complied with as prescribed in this section. Every month after the issuance of a permit the child shall report to the person who issued same, either in person or in writing, through its parent, or guardian, stating that the child is employed, giving the name of employer and the location of the place of employment, and if not employed said child shall be compelled to attend school: *Proviso.* Provided, That nothing in this act shall be used to invalidate the right of any minor over the age of fourteen years to use a working permit issued before the passage of this act; *Child to report monthly.*

(e) Any person who shall make a false statement, transcript, passport, school certificate, certificate of physical fitness, school record or any other writing required to be made or filed by the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars or imprisonment for not less than ten days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court; *False statements.*

(f) Whenever continuation classes shall be established for minors under sixteen years of age working as now permitted by law, or out of school by permission to help at home, every such child residing in any city in which such classes are established shall attend such classes not less than four hours per week and every employer shall allow all minor employes under eighteen years of age who have not completed the eighth grade, a reduction in hours of work of not less than the number of hours the minor is by this section to attend schools; *Penalty.* *Continuation classes.*

Am. 1917, Act 280.

Drake v. Industrial Works, 174/623; Powell v. E. H. Stafford Mfg. Co., 183/1.

NEGLIGENCE: The employment of a child under the age of 13 years to work upon a mangle in a laundry is plainly a violation of this statute.—Schuetz v. Van Orman, 184/479; Paskvan v. Allouez Mining Co., 185/332.

FRATERNITIES, SORORITIES, ETC., ABOLISHED.

An Act to abolish fraternities, sororities and all other secret societies among the pupils of the public schools of the state of Michigan.

[Act 271, P. A. 1911.]

The People of the State of Michigan enact:

Unlawful to
organize, etc.

(434) § 5827. SECTION 1. It shall be unlawful for any pupil of the public schools of the state of Michigan in any manner to organize, join or belong to any fraternity, sorority or any other secret society composed or made up of pupils of the public schools.

Teacher,
duty of.

(435) § 5828. SEC. 2. It shall be the duty of every teacher, principal, or superintendent, having knowledge or reason to believe that such fraternity, sorority, or any other secret society is being organized or maintained in any of the schools of the state, or that any of the pupils attending said schools are organizing or belonging to such fraternity, sorority or any other secret society, to advise immediately the president or secretary of the board of education in charge of such schools, of such facts. Upon receipt of such notice, or of any other information that this act is being violated, the board of education shall proceed to investigate the facts concerning the same, and if after giving all pupils suspected of such violation a reasonable opportunity for a hearing, it shall satisfactorily appear to the board of education that any pupil has become connected with such an organization, or has promised to join such organization, the board shall take such steps as it shall deem necessary to abolish such organization, and it may inflict such punishment on the pupils so connected therewith as the board shall deem expedient.

Board of
education,
investiga-
tion.

Penalty for
neglect.

(436) § 5829. SEC. 3. Any officer, teacher, principal, superintendent or other person mentioned in this act neglecting to perform any duty imposed upon him by this act, upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.

TEACHERS' ASSOCIATIONS.

An Act to incorporate teachers' associations.

[Act 117, S. L. 1855.]

The People of the State of Michigan enact:

Fifteen or
more teachers
may form
corporation.

(437) § 10174. SECTION 1. Any fifteen or more teachers, or other persons residing in this state, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may

form themselves into a corporation, under such name as they may choose, providing they shall have published in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place and purpose of the meeting for such association, and shall file in the office of the secretary of state a copy of the constitution and by-laws of said association.

Notice to be published.

(438) § 10175. SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars, but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

May hold property.

Restrictions upon its use.

(439) § 10176. SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the revised statutes of this state, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

Privileges and liabilities of corporations.

Chap. 55 referred to is § § 11328-42, C. L. 1915.

An Act to provide for a retirement fund for teachers in certain cases.

[Act 174, P. A. 1915.]

The People of the State of Michigan enact:

(440) § 5767. SECTION 1. There shall be a teachers' retirement fund board, hereinafter called the retirement fund board, consisting of the superintendent of public instruction and five other members appointed by the governor. At least one of such members shall be a woman teacher in the public schools. The first appointments shall be made within ten days after this act takes effect. The members of such board first appointed shall hold office respectively for terms of one, two, three, four and five years from August one, nineteen hundred fifteen, to be designated in the appointments. Their successors shall be appointed for terms of five years. A vacancy in the office of any member shall be filled for the unexpired term by the governor.

Retirement fund board.

Terms of office.

Vacancies.

(441) § 5768. SEC. 2. There shall be a president, a vice-president and a secretary of said board to be elected by a majority vote of the members of the board. The president and vice-president shall be elected for terms of one year. The term of office of the secretary shall be fixed by the board, but shall not exceed three years. The secretary shall not be a member of the board. His salary or compensation shall be fixed by the board, but shall not exceed eighteen hundred dollars a year. The members of the board shall serve without

Officers of board.

Terms.

Secretary, compensation.

Expenses.

Annual meeting.	compensation, but they shall be entitled to their expenses actually incurred in attending the meetings of the board and in performing services as members thereof. The board shall meet annually at Lansing, on the first Friday in October, and shall hold such other meetings as they deem necessary.
Absence from meetings.	If a member of the board be absent from two consecutive meetings without reasonable excuse for such absence, accepted by the board, his office shall be declared vacant by the board, and such vacancy filled as hereinbefore provided.
Treasurer of fund.	(442) § 5769. SEC. 3. The state treasurer shall be ex-officio treasurer of the retirement fund and shall be the custodian thereof. The moneys belonging thereto shall be deposited by him in banks or trust companies, subject to the same provisions of law as regulate the deposit of state funds. The retirement fund board shall determine from time to time the investment of the permanent retirement fund, but each investment shall be subject to the approval of the state treasurer and such fund shall only be invested in those securities in which savings bank deposits may be lawfully invested.
Care of moneys.	
Investment.	
Powers of board.	(443) § 5770. SEC. 4. The retirement fund board, subject to the provisions of this act, shall have power:
	(1) To select such employes as may be necessary to carry into effect the provisions of this act, and fix their compensation and prescribe their duties;
	(2) To investigate all matters relating to the operation of this act, and for that purpose to subpoena witnesses and compel their attendance to testify before it. Any member of the board may administer oaths or affirmations to such witnesses;
	(3) To require all boards, officers and persons having duties to perform hereunder in respect to contributions by teachers to the retirement fund, to report from time to time on such matters relating to such contribution as it shall deem advisable, and to prescribe the form of such reports;
	(4) To draw its warrants upon the state treasurer for the payment of annuities to teachers who have been retired as provided in this act, and for the purchase of such securities as the board shall have decided to purchase as herein provided. No payment shall be made from the teachers' retirement fund, except upon warrant drawn pursuant to resolution duly adopted by the board and signed and attested as the board may prescribe;
Proviso, increase of contributions.	(5) To increase the contributions from the teachers according to the provision made in section six of this act: Provided, That such increase shall not be made until the contributions from all sources, not including the principal of the permanent fund, are insufficient to carry out the provisions of this act: Provided, That after collecting the additional contributions as above provided, should there still be insufficient funds in any year to pay all annuities in full, then, and in such case, each teacher entitled to an annuity,
Proviso, pro rata payments.	

shall be paid pro rata in same proportion as the amount of money on hand is to the amount due.

(444) § 5771. SEC. 5. The retirement fund board shall make rules not inconsistent with the provisions of this act, which, when approved by the superintendent of public instruction, shall have the force and effect of law. Rules.

Such rules shall:

(1) Provide for the conduct and regulation of the meetings of the board and the transaction of its business; What to provide.

(2) Prescribe the manner of payment of contributions by teachers to the retirement fund, and the payment and methods of payment of annuities therefrom;

(3) Establish a system of accounts, showing the condition of said fund, the receipts, expenditures and investments;

(4) Prescribe the forms of all accounts, warrants, reports and other documents to be used by all persons and officers having duties to perform under this act;

(5) Regulate the performance of duties of boards of education, trustees, and other officers and persons, imposed upon them by this act in respect to the contributions by teachers to the retirement fund, and the deduction of such contributions from teachers' salaries.

(445) § 5772. SEC. 6. (1) All teachers, except those who, being under contract when this act takes effect, do not elect to come under its provisions, shall contribute to the retirement fund according to the following provisions: Contributions to retirement fund.

(a) A teacher who shall have taught five years or less, in this state or elsewhere in public schools, shall contribute one-half per centum of his or her annual contractual salary, but not more than five dollars during any year: *Provided*, That the retirement fund board may increase the contributions to one per centum of his or her annual contractual salary, but to not more than ten dollars in any year. Proviso, increase of contributions.

(b) A teacher who shall have so taught more than five years, but less than fifteen years, shall contribute one per centum of his or her annual contractual salary, but not more than ten dollars during any year: *Provided*, That the retirement fund board may increase the contribution to two per centum of his or her annual contractual salary, but to not more than twenty dollars during any year. Proviso, idem.

(c) A teacher who shall have so taught fifteen years or more, shall contribute two per centum of his or her annual contractual salary, but not more than twenty dollars during any year: *Provided*, That the retirement fund board may increase the contribution to three per centum of his or her annual contractual salary, but to not more than thirty dollars during any year. Proviso, idem.

(2) After this act takes effect, every teacher contracting to teach in the public schools, including all who under any previous contract of employment have not elected to come under this act, shall, by so contracting, be conclusively deemed Who deemed to have agreed to contribute.

to agree to pay and to authorize the deduction from salary of the assessments herein provided.

Contribution
by teachers
employed.

(3) Any person who when this act takes effect is employed as a teacher in the public schools, may within the unexpired term of such employment elect to come under the provisions of this act by notifying in writing the retirement fund board, and at the same time filing with the local school board or other body vested with control of such schools, a duplicate of such notice and an authorization to deduct from each subsequent installment of salary the proper assessment, as herein prescribed.

Deductions
from salaries.

(416) § 5773. SEC. 7. Boards of education, trustees, and other school authorities, having duties to perform in respect to the payment of salaries to school teachers who are under this act, shall cause to be deducted from each installment of salary of such teachers the pro rata amount due from such teachers to the teachers' retirement fund, and forward the same to the treasurer thereof, as prescribed by the retirement fund board. Every officer and person failing to perform any duty prescribed by this act, shall be liable to a penalty of fifty dollars for each offense, to be recovered in an action of debt in the name of the people of the state of Michigan. And in case of any such liability, the attorney general, upon requisition of the retirement fund board, shall prosecute and recover the penalty herein provided, and when recovered pay the same to the treasurer of the school district who shall place the same to the credit of the library fund of the said district.

Failure to
comply.

Penalty.

Recovery and
disposition.

Annuities
upon
retirement.

Thirty years'
service.

(447) § 5774. SEC. 8. A teacher who has taught for a period or periods aggregating thirty years, of which period at least fifteen years, including the last five years of service preceding the application for retirement, shall have been spent in the public schools in this state, shall, upon and during retirement from actual service as a teacher on or after December one, nineteen hundred fifteen, be entitled to an annuity of a sum equal to one-half of the average annual contractual salary paid to said teacher during the last five years of service, but no such annuity shall exceed five hundred dollars nor be less than three hundred dollars. A teacher who has taught for a period or periods aggregating twenty-five years, of which period at least fifteen years, including the last five years of service preceding the application for retirement, shall, upon and during retirement from actual service as a teacher, on or after December one, nineteen hundred fifteen, be entitled to an annuity which bears the same ratio to the annuity provided for on retirement after thirty years of service as the total number of years of service of said person bears to thirty years. A teacher who, having taught in the public schools of this state for a period or periods aggregating fifteen years or more and being in the judgment of the employing board either physically or mentally incapable of

Twenty-five
years' service.

Fifteen years'
service.

eaching, is deemed deserving of an annuity by the retirement fund board, may be retired, and shall, upon retirement, be entitled to an annuity of as many thirtieths of the full annuity herein provided after thirty years' service as said teacher has taught years in the public schools of this state. The time spent in teaching in any public institution of this state shall, for the purposes of this section, count as part of the aggregate time of teaching: Provided, That the last five years of service shall have been that of a teacher as defined by this act. Retirement may be had on request of the teacher or upon the request of a board of education or other governing body of a school district. Request for retirement shall be made in writing addressed to the retirement fund board, accompanied by evidence showing that the teacher named is entitled to retirement, and has complied with the provisions of this act, and the rules of the board relating to the payment of annuities. The board shall pass upon all requests for retirement and shall determine whether such requests should be granted. In computing terms of service under this act, a year shall be a legal school year at the time and place where said service was rendered, except that the time of service outside the state shall be reckoned by the number of years that the number of weeks taught would make of legal school years in this state.

(448) § 5775. SEC. 9. 1. No teacher shall be entitled to an annuity who has not contributed to the retirement fund an amount equal to at least one hundred per centum of his or her annuity for one year. But a teacher otherwise entitled to retirement and to an annuity under this act, may become an annuitant and entitled to an annuity by making a cash payment to the retirement fund of an amount which when added to his or her previous contributions to said fund, will equal one hundred per centum of his or her annuity for one year, or if unable to pay in advance the sum required to make up the said one hundred per centum of the yearly annuity, by authorizing the withholding of such annuity until the amount withheld shall equal the sum required to make up said one hundred per centum. The amount so withheld shall be credited to said retirement fund.

2. Annuities shall be paid quarterly to the teachers entitled thereto, upon the warrants or orders of the retirement fund board. Vouchers or receipts therefor shall be signed in duplicate by annuitants. Said duplicate receipts shall be returned to the secretary of the board, and one of them shall be retained in his office and the other shall be filed in the office of the state treasurer.

3. Each annuity shall date from the time when the retirement fund board shall grant the application for the retirement of the annuitant.

(449) § 5776. SEC. 10. Any teacher who shall cease to teach in the public schools of this state before receiving any annuity from the retirement fund, shall, if application be

Proviso,
last five
years.
Retire-
ment,
how had.
Request.

Determina-
tion by board.

What deemed
year's service.

Who not
entitled to
annuity.

How may
become
annuitant.

Annuities
payable
quarterly.

Duplicate
vouchers.

Date of
annuity.

Cessation of
teaching.

made in writing to the retirement fund board within four months after the date of such cessation, be entitled to the return of one-half of the amount, without interest, which shall have been paid into the fund by such teacher. If such teacher should again thereafter teach in said public schools, he or she shall, within one year from the date of his or her return to the service in said public schools, return to the retirement fund the amount so returned to such teacher, together with simple interest on said amount at the rate of five per centum per annum, for the time such amount was withdrawn from the fund.

Return to teaching.

Resumption of teaching.

(450) § 5777. SEC. 11. If any person retiring under this act shall resume teaching in this state or elsewhere, the annuity paid to such person shall cease during the time of teaching, but shall again be paid after a subsequent retirement.

Definition of "teacher."

(451) § 5778. SEC. 12. The term "teacher" as used in this act shall include all persons employed in teaching by any city board of education or school board of any city, town, village or rural school district in this state, and all superintendents and assistant superintendents of said schools, all supervisors of instruction, all principals and assistant principals, and special teachers of said schools. It shall include county school commissioners, county normal teachers, the superintendent of public instruction and his deputies. It shall include all persons employed in teaching or educational work in the following public institutions: Industrial home for girls, industrial home for boys, Michigan employment institution for the blind, school for the blind, school for the deaf and state public school and state normal colleges and normal schools. The words "retirement fund" as used in this act shall mean the Michigan state teachers' retirement fund for public school teachers as established by this act.

Others included.

"Retirement fund" defined.

Of what fund to consist.

(452) § 5779. SEC. 13. There is hereby established the Michigan state teachers' retirement fund for public school teachers, which shall consist of

(1) All contributions made by teachers as herein provided;

(2) All donations, gifts, legacies and bequests which shall be made to establish a permanent fund, of which the income but not the principal shall be used for the purposes hereof;

(3) The income derived from the investment of said permanent fund.

Act not to apply.

(453) § 5780. SEC. 14. This act shall not apply to any school district wherein public school teachers are required or authorized to contribute to a teachers' retirement fund, or in which such teachers are entitled to annuities or pensions, in accordance with any special or local act: Provided, however, That any school district, now having a local teachers' retirement fund may, upon request of two-thirds of the teachers contributing to said fund, by a majority vote of the quali-

Proviso, when to apply.

field electors of said school district, discontinue said fund, and then the provisions of this act shall apply to such district in like manner as to other districts of the state. Thereupon all funds held for the purpose of such local retirement or annuity fund, after payment of any outstanding obligations other than annuities, shall be paid into the state treasury and credited to the permanent retirement fund herein provided for. All persons who previously to such determination by the state retirement fund board have become entitled to an annuity from such local fund, shall become annuitants under this act and shall receive the same maximum amount thereafter that they would have received from such local fund, and the teachers of such district shall contribute thereafter to the state retirement fund, as is provided in section six of this act, and shall be entitled to the same rights and privileges hereunder and be subject to the same duties and obligations as are the teachers of other districts.

STATE ACCOUNTS.

An Act to provide for the safe keeping of public moneys.

[Act 131, P. A. 1875.]

The People of the State of Michigan enact:

(454) § 298. SECTION 1. That all moneys which shall come into the hands of any officer of the state, or of any officer of any county, or of any township, school district, highway district, city or village, or of any other municipal or public corporation within this state, pursuant to any provision of law authorizing such officer to receive the same, shall be denominated public moneys within the meaning of this act. “Public moneys” defined.

See Fire and Water Commrs. v. Wilkinson, 119/659.

As to county treasurers, see Perley v. Muskegon Co., 32/132. See also § 2266, C. L. 1915, and notes.

(455) § 299. SEC. 2. It shall be the duty of every officer charged with the receiving, keeping, or disbursing of public moneys to keep the same separate and apart from his own money, and he shall not commingle the same with his own money, nor with the money of any other person, firm or corporation. Public moneys to be kept separate from all other funds.

(456) § 300. SEC. 3. No such officer shall, under any pretext, use, nor allow to be used, any such moneys for any purpose other than in accordance with the provisions of law; nor shall he use the same for his own private use, nor loan the same to any person, firm, or corporation without legal authority so to do. How used.

Interest on public moneys to constitute a general fund.

(457) § 301. SEC. 4. In all cases where public moneys are authorized to be deposited in any bank, or to be loaned to any individual, firm, or corporation, for interest, the interest accruing upon such public moneys shall belong to and constitute a general fund of the state, county, or other public or municipal corporation, as the case may be.

Officers not to receive consideration for deposits of money.

(458) § 302. SEC. 5. In no case shall any such officer, directly or indirectly, receive any pecuniary or valuable consideration as an inducement for the deposit of any public moneys with any particular bank, person, firm, or corporation.

Provisions of act to apply to deputies, etc.

(459) § 303. SEC. 6. The provisions of this act shall apply to all deputies of such officer or officers, and to all clerks, agents, and servants of such officer or officers.

Penalty for violating provisions of act.

(460) § 304. SEC. 7. Any person guilty of a violation of any of the provisions of this act shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment in the discretion of the court: Provided, That nothing in this act contained shall prevent a prosecution under the general statute for embezzlement in cases where the facts warrant a prosecution under such general statute.

Proviso.

Penalty for illegal payment of money.

(461) § 305. SEC. 8. Any officer who shall wilfully or corruptly draw or issue any warrant, order, or certificate for the payment of money in excess of the amount authorized by law, or for a purpose not authorized by law, shall be deemed guilty of a misdemeanor, and may be punished as provided in the preceding section.

STATE BOARD OF EDUCATION.

An Act to revise and consolidate the laws relative to the state board of education.

[Act 194, P. A. 1889.]

The People of the State of Michigan enact:

To be a body corporate.

(462) § 1190. SECTION 1. That for the purpose of rendering more efficient their organization, and to enable them more fully to carry into effect the provisions of the constitution relative thereto, the state board of education shall be and they are constituted a body politic and corporate, and are hereby empowered to purchase, have, hold, possess and enjoy to themselves and their successors, all the lands, tenements, hereditaments, goods, chattels and effects of every kind now belonging to the state normal school or that may hereafter be acquired by the same; and the same to grant, alien, invest, sell and dispose of; to sue and [to] be sued, plead and be impleaded, in all the courts in this state; to have and

To hold property of normal school, etc.

to use a seal, and the same to change, alter and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the government and conduct of said [board] and for the transaction of its business: Provided, The same be not repugnant to the constitution or laws of this state or of the United States: Provided further, That said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same can apply, and are not inconsistent with the provisions of this act.

Proviso.

Further proviso.

Chapter 55 of the revised statutes of 1846 contains the "general provisions relating to corporations" and will be found in chapter 230, § § 11328-42, compiled laws of 1915. See acts 138 and 178 of 1849, establishing a state normal school.

(463) § 1191. SEC. 2. Said board shall have power to transact all necessary business at any meeting, a quorum being present. Said board shall make and provide such by-laws and regulations for the conduct of its business as it shall deem proper. A quorum of said board shall consist of a majority of its members. All processes against said board of education shall be served on the president or secretary thereof.

Power of board.

Quorum.

Processes.

(464) § 1192. SEC. 3. The state board of education shall continue the normal school at Ypsilanti in the county of Washtenaw, where it is now located. The purpose of the normal school shall be the instruction of persons in the art of teaching, and in all the various branches pertaining to the public schools of the state of Michigan: Provided, There shall be prescribed for said school a course of study intended specially to prepare students for the rural and the elementary [graded] schools of the state, which shall provide not less than twenty weeks of special professional instruction.

Of the normal school.

Proviso.

(465) § 1193. SEC. 4. No member of said board of education shall, during his continuance in office, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such book or books as agent or otherwise.

Members not to act as agent for publishers, etc.

(466) § 1194. SEC. 5. Said board shall provide all necessary courses of study to be pursued in the normal school and establish and maintain in connection therewith a fully equipped training school as a school of observation and practice, and shall grant, upon the completion of either of said courses, such diploma as it may deem best, and such diploma when granted shall carry with it such honors as the extent of the course for which the diploma is given may warrant and said board of education may direct.

Course of study, training school, etc.

(467) § 1195. SEC. 6. Upon the completion of the course specially prescribed as hereinbefore provided for the rural and elementary graded schools, said board of education shall, upon the recommendation of the principal and a majority of the heads of the departments of said school, grant a certificate which shall be signed by said board and the principal of the

Certificate to teach, when granted, term of, etc.

normal school, which certificate shall contain a list of the studies included in said course, and which shall entitle the holder to teach in any of the schools of the state for which said course has been provided for a period of five years: Provided, That said certificate may be suspended or revoked by said state board of education upon cause shown by any county board of examination, or by any board of school officers.

Proviso.

Life certificates, when granted, etc.

(468) § 1196. SEC. 7. Upon the completion of either of the advanced courses of study prescribed by said state board, which shall require not less than four years for their completion, said board of education, upon the recommendation of the principal and a majority of the heads of departments of said school, shall issue a certificate to the person completing said course, which certificate shall be referred to in the diploma hereinbefore provided to be granted. Said certificate shall set forth a list of the studies of the course completed and, when given, shall operate as a life certificate, unless revoked by said state board of education.

May be revoked.

Admission of pupils.

(469) § 1197. SEC. 8. The board of education shall make such regulations for the admission of pupils to said school as it shall deem necessary and proper: Provided, That the applicant shall, before admission, sign a declaration of intention to teach in the schools in this state.

Proviso.

To appoint visitors, report of, etc.

(470) § 1198. SEC. 9. Said board of education shall appoint each year three visitors whose duty it shall be to examine thoroughly into the affairs of the normal school and report their views with regard to its condition and any other matters they may judge expedient, to the said board of education, which report shall be incorporated in the report of the superintendent of public instruction and in the report of said board of education to be made to the legislature as herein-after provided. Said visitors shall receive two dollars per day for time actually spent in visitation and also their actual traveling expenses, to be paid out of the funds of said board: Provided, That not more than two visits shall be made by any board of visitors.

Proviso.

Report of board, contents of, etc.

(471) § 1199. SEC. 10. Said board of education shall make to the legislature, at every regular session thereof, a report setting forth:

First, The work done by the school since the last report;
 Second, The [need] needs and requirements of the school;
 Third, A report of the principal of the school, concerning such matters pertaining to the school as have been under his immediate direction and control, and such recommendations as he may deem desirable to make to the board; and

Fourth, A financial statement, showing in detail the moneys received and expended, with an itemized statement of receipts and expenditures, as near as may be.

Treasurer, how elected; bond, amount of.

(472) § 1200. SEC. 11. The board shall elect a treasurer, who shall furnish bonds with two sureties, or a surety bond from any surety company authorized by the laws of this state

to execute same, in the penal sum of not less than forty thousand dollars, conditioned for the faithful discharge of his duties. Whenever the treasurer shall furnish a surety bond which shall be approved by the board, the cost thereof not exceeding one-half per centum per annum shall be paid out of the treasury of the state of Michigan upon the warrant of the proper officer after being first allowed by the board of state auditors. Such treasurer shall receive such compensation as to the board may seem just.

Cost of bond.

Compensation.

(473) § 1201. SEC. 12. The ten sections of salt spring lands located by the board of education under the provisions of sections fifteen and sixteen of "An act to establish a state normal school," approved March twenty-eighth, eighteen hundred and forty-nine, together with the fifteen sections of said salt spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by congress or received or set apart in any manner in lieu of any portion of said land, to which the title may prove insufficient, and all donations, in land or otherwise, to the state in trust or to the board of education for the support of a normal school, shall constitute a fund to be called the normal school endowment fund, and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre, and it shall be the duty of the officer authorized to sell said lands, to cause the same to be appraised as soon as practicable, in the manner provided for the appraisal of other lands; none of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the state land office as is now, or shall be hereafter, provided by law, and the principal shall be and remain a perpetual fund for the use of said institution, except as herein provided. The installments of principal paid by the purchasers shall be paid into the state treasury, and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest as the same may be, shall be computed by the auditor general and the state treasurer at the close of each fiscal year, at the rate of six per cent per annum, and together with all interest paid by purchasers of said lands, shall be passed to the credit of the normal school interest fund.

Lands appropriated, disposition of, etc.

Minimum price, appraisal, etc.

(474) § 1202. SEC. 13. The normal school interest fund, and any moneys which may be from time to time appropriated for the purposes of the said normal school, shall be under the direction and control of said state board of education, subject to the provisions herein contained, and shall be paid to the treasurer of said board from time to time by the state

Board to have control of funds, etc.

treasurer on the warrant of the auditor general drawn upon the certificate of the president and secretary of said board of education that said money is needed. No such warrant shall be given except on accounts audited and allowed by said board, covering as [nearly] near as may be the amounts previously furnished: Provided, That said board, for the months of January, February and March, in the years in which the regular sessions of the legislature are held, shall draw money for current expenses as provided in section four hundred and nineteen of Howell's annotated statutes.

Proviso.

Compensation of board.

(475) § 1203. SEC. 14. The members of the state board of education shall receive three dollars per day for their actual services, and also their necessary traveling and other expenses, to be paid by the state treasurer out of the general funds in the manner already provided by law for the payment of the accounts of boards of state institutions.

Duty at annual meeting.

(476) § 1204. SEC. 15. Said board shall hold at least one meeting each year, at which they shall examine teachers, and shall grant certificates to such as have taught in the schools of the state at least two years and who shall, upon a thorough and critical examination in every study required for such certificate, be found to possess eminent scholarship, ability and good moral character. Such certificate shall be signed by the members of said board, and be impressed with its seal, and shall entitle the holder to teach in any of the public schools of this state without further examination, and shall be valid for life unless revoked by said board. No certificate shall be granted except upon the examination herein described: Provided, That the said state board of education may, in its discretion, indorse state teachers' certificates granted upon examinations, normal school diplomas or certificates, or other state certificates granted in other states, if it be shown to the satisfaction of said board that such certificates are for life and that the examinations required or courses of study pursued are fully equal to the requirements of this state: Provided further, That the state board of education may grant a limited certificate to a graduate of a normal school of another state who does not hold a life certificate if it be shown to the satisfaction of said board that the courses of study pursued are fully equal to the requirements of this state for a life certificate. After three years' teaching experience satisfactory to the state board of education said board may issue a life certificate to a person who has received such limited certificate: Provided, That in cities in this state comprising a single school district having a population of two hundred fifty thousand or over, and maintaining a normal training school for the training of teachers for the public schools, the state board of education may issue life certificates and degrees to the graduates of such normal

Certificate, how signed, etc.

Proviso, normal training schools.

Further proviso, limited certificate.

Proviso, certain districts.

training school if the course of study pursued shall be approved by the state board of education.

m. 1919, Act 157; 1921, Act 52.

477) § 1205. SEC. 16. The said board shall examine all text-books in physiology and hygiene offered for use in the public schools of this state, and approve those only which comply with the law relative to the space required to be devoted to the consideration of the nature and effects of alcoholic drinks and narcotics, as provided in act one hundred and sixty-four of the public acts of eighteen hundred and eighty-seven. It shall also be the duty of said board to distribute to the various educational institutions of the state such specimens of copper, iron and other ores and rocks prescribed for such distribution under the provisions of section three of act nine of the public acts of eighteen hundred and seventy-seven, being compiler's section eight hundred and forty-one of Howell's annotated statutes.

Certain text-books, etc., duty of board relating thereto.

The act of 1887 referred to is act 165, instead of 164. It amends section 15, Ch. 3 of the general laws of 1881 relative to public instruction and will be found in section 60 of this compilation.

478) § 1206. SEC. 17. All insurance moneys or means collected, received or made available at any time, from policies of insurance, or by reason of insurance policies upon the said normal school buildings and property shall be and the same are hereby designated and set apart as a fund or means for rebuilding and refurnishing the said buildings.

Disposition of insurance moneys, etc.

479) § 1208. SEC. 18. Any person holding a certificate issued or approved by the authority of the state board of education, desiring to teach in any school under the jurisdiction of a county commissioner of schools shall file the said certificate, or a copy of the same, in the office of the commissioner of schools in the county in which he or she desires to teach.

Certificate filed with county commissioner.

NORMAL SCHOOLS.

An Act to establish a normal school in central Michigan.

[Act 261, P. A. 1895.]

The People of the State of Michigan enact:

(480) § 1213. SECTION 1. That a normal school for the preparation and training of persons for teaching in the rural district schools, and the primary departments of the graded schools of the state, to be known as "Central Michigan Normal School," be established and continued at the city of Mount Pleasant in Isabella county, to be located upon block ten of the normal school addition to said city, known as "normal campus," and being a block of land in area between eight and ten acres.

Central Michigan normal school established.

State board of education to procure deed of conveyance, etc.

(481) § 1214. SEC. 2. The state board of education is hereby authorized and directed to procure a good and sufficient deed of conveyance, to be accompanied with abstract of title and tax history, to be approved by the attorney general, conveying to the said board of education and its successors a good and unincumbered title in fee simple to said lands and buildings thereon, for such school, and a proper article of sale of all the library, school furniture and apparatus therein, said lands and buildings and personal property to be donated to the state of Michigan, in consideration of the establishment of said school, and to be conveyed within thirty days after the passage of this act.

School to be under control of state board of education.

(482) § 1215. SEC. 3. Said school shall be under and subject to the control of the state board of education, according to the provisions of act number one hundred ninety-four of the public acts of eighteen hundred and eighty-nine, of Michigan, entitled "An act to revise and consolidate the laws relative to the state board of education, and amendments thereto," which is made applicable to this school, except as herein otherwise provided.

The act referred to immediately precedes this. See sections 462-479.

An Act to change the name of the "Michigan State Normal School" to "Michigan State Normal College."

[Act 52, P. A. 1899.]

The People of the State of Michigan enact:

Change name of normal school at Ypsilanti.

(483) § 1209. SECTION 1. The institution now known and designated under the name and style of "Michigan State Normal School" shall hereafter be known as the "Michigan State Normal College."

Sec. 2. Repealing clause.

An Act to provide for the location, establishment and conduct of a normal school at Marquette, in the upper peninsula of this state, and to make an appropriation for the same.

[Act 51, P. A. 1899.]

The People of the State of Michigan enact:

Name of school.

Purpose.

Selection of site.

(484) § 1219. SECTION 1. That a normal school shall be located at Marquette, to be known as the Northern State Normal School, for the purpose of instructing persons in the several branches pertaining to a public school education, and in the science and the art of teaching the same.

(485) § 1220. SEC. 2. The state board of education is hereby authorized to procure a suitable site for the grounds

and buildings for said normal school, which site shall consist of at least twenty acres of land, located within one and one half miles of the present location of the postoffice in said city of Marquette. Said state board of education shall pay for such site a sum not exceeding one dollar, which sum is hereby appropriated for the use of said state board of education out of any moneys in the treasury not otherwise appropriated, to be drawn on the requisition of said state board of education and the warrant of the auditor general, as the moneys and appropriations are drawn. Said state board of education shall procure good and sufficient deed or conveyance of such site and grounds, and have the title for the same duly recorded. When so recorded, the said deed of conveyance, with an abstract of title showing a clear and unincumbered title, and all papers relating thereto shall be deposited in the office of the auditor general.

Area and location.

Deed or conveyance.

Sections 3, 4 and 5 provided appropriations for buildings and maintenance of the school.

(486) § 1224. SEC. 6. The said northern state normal school shall be under and subject to the control of the state board of education, according to the provisions of act number one hundred ninety-four of the public acts of eighteen hundred and eighty-nine, entitled "An act to revise and consolidate the laws relative to the state board of education, and amendments thereto, also according to the provisions of act number one hundred and seventy-five of the public acts of eighteen hundred and ninety-seven, entitled "An act to fix the relation of the existing normal schools of the state," which laws are made applicable to the school, except as herein otherwise provided.

Control of school.

An Act to provide for the locating, establishing and maintaining of a state normal school in the western part of the state, to make appropriations therefor and to provide a tax to meet the same.

[Act 156, P. A. 1903.]

The People of the State of Michigan enact:

(487) § 1225. SECTION 1. A state normal school shall be located, established and maintained in the western part of the state, at such place as the state board of education shall designate, to be known as, the "Western State Normal School," for the preparation and training of persons for teaching in the rural district schools, and the primary departments of the graded schools of the state.

Name, etc.

(488) § 1226. SEC. 2. The state board of education is hereby authorized and directed to procure a suitable site of not less than twenty acres for the building and grounds for said normal school. Said state board of education shall pay for such site a sum not exceeding one dollar, to be drawn on

Site, how and by whom secured.

the requisition of said state board of education, and the warrant of the auditor general, as other moneys and appropriations are drawn. Said state board of education shall procure good and sufficient deed of conveyance, with an abstract of the title thereto, showing a clear and unencumbered title, and all papers relating thereto shall be deposited in the office of the auditor general. The sum of one dollar is hereby appropriated for the fiscal year ending June thirtieth, nineteen hundred four, for the purpose of carrying out the provisions of this section.

Sections 3 and 4 provided appropriations for buildings and maintenance of school.

School,
how con-
trolled, etc.

(489) § 1229. SEC. 5. The said western state normal school shall be under and subject to the control of the state board of education, according to provisions of act number one hundred ninety-four of the public acts of eighteen hundred eighty-nine, entitled "An act to revise and consolidate the laws relative to the state board of education," and amendments thereto; also according to the provisions of act number one hundred seventy-five of the public acts of eighteen hundred ninety-seven, entitled "An act to fix the relations of the existing normal schools of the state," which laws are made applicable to the school hereby established except as herein otherwise provided.

Sections 6 and 7 prescribed manner of payment of appropriations, and tax clause.

An Act to provide for the establishment of physical training in the public schools and state normal schools of this state; to define the aims and purposes of such physical training; to prescribe the duties of boards of education relative to physical training in certain school districts; to provide for a course of instruction in physical training in the normal schools of this state; to provide for the appointment of a director of physical training and the salary and expenses connected therewith; and to make an appropriation therefor and to provide a tax to meet the same.

[Act 274, P. A. 1919.]

The People of the State of Michigan enact:

Course in
physical
training.

(490) SECTION 1. There shall be established and provided in all the public schools of this state, and in all state normal schools, physical training for pupils of both sexes, and every pupil attending such schools of this state in so far as he or she is physically fit and capable of doing so, shall take the course in physical training as herein provided.

Duty of
school boards.

(491) SEC. 2. It shall be the duty of boards of education in city school districts and graded school districts having a population of more than three thousand to engage competent instructors in physical training and to provide the necessary place and equipment for instruction and training in

physical education; and other school boards may make such provision: Provided, That nothing in this act shall be construed or operate to authorize compulsory physical examination or compulsory medical treatment of school children, nor to allow the teaching of sex hygiene and kindred subjects in the public schools of this state. Proviso.

(492) SEC. 3. The curriculum in all normal schools of this state shall contain a regular teacher's course in physical training under competent jurisdiction. Curriculum.

(493) SEC. 4. The superintendent of public instruction shall appoint a state director of physical training who shall perform such duties as the superintendent of public instruction may prescribe under this act. The superintendent of public instruction may revoke said appointment in his discretion. The salary of the state director of physical training shall be three thousand dollars per annum, together with his necessary traveling and other expenses, not exceeding in any year the sum of twelve hundred dollars, which sums shall be paid from the general fund upon a warrant of the auditor general in the same manner that the salaries of other state officers are paid. The superintendent of public instruction shall also appoint a stenographer for such director of physical training at a salary not to exceed thirteen hundred dollars per annum. Such director shall prepare and distribute suitable courses of study for which purpose he shall be allowed a sum not to exceed two thousand dollars per annum. State director of physical training. Salary. Stenographer.

Sec. 5, which provided for an annual appropriation, was repealed by Act 13. (1st ex. sess.), P. A. 1921.

An Act to provide for physical training in the state normal schools and in certain city districts.

[Act 40, P. A. 1911.]

The People of the State of Michigan enact:

(494) § 1232. SECTION 1. Physical training shall be included in the branches to be regularly taught in public schools in city school districts having a population of more than ten thousand and in the state normal schools, subject to such rules and regulations as the superintendent of public instruction may prescribe, and it shall be the duty of the boards of education in such city school districts and of the state board of education to make provisions in the schools and institutions under their jurisdiction for the introduction of a systematic and educational course of physical training; to engage competent instructors; to provide the necessary equipments; to establish and conduct same; and to adopt such methods as shall adapt the same to the capacity of the pupils in the various grades therein; and other boards may make such provisions. The curriculum in all normal schools of this state shall contain a regular teacher's course on physical education under competent jurisdiction. Where taught. How provided for.

An Act to authorize and empower boards of education in certain school districts of this state to provide for the establishing and offering of advanced courses of study to high school graduates, and to provide for the regulation thereof.

[Act 146, P. A. 1917.]

The People of the State of Michigan enact:

Advanced
courses in
certain
districts.

How
designated.

Proviso, who
not admitted.

(495) SECTION 1. The board of education in any school district of this state having a population of more than thirty thousand people, according to the last official census of the United States government, is hereby authorized and empowered to provide for the establishing and offering in such district of advanced courses of study for high school graduates, which courses shall not embrace more than two years of collegiate work. Such courses collectively shall be known and designated as the junior collegiate department of the district school system. The board of education shall provide suitable instructors therefor and shall adopt regulations with reference to the admission and conduct of pupils taking such courses, and the issuance of diplomas upon the completion thereof: Provided, however, That no student who is not a graduate of a high school offering four years of work in this state shall be admitted to any of such courses.

An Act to authorize and require the state board of education to prescribe courses of study, issue licenses and certificates and grant diplomas and degrees in connection with the several state normal schools of the state, and to repeal all acts and parts of acts in any way contravening the provisions of this act.

[Act 202, P. A. 1903.]

The People of the State of Michigan enact:

Powers of
board.

Proviso.

(496) § 1211. SECTION 1. The state board of education is hereby authorized and required to prescribe the courses of study for students, to grant such diplomas and degrees and issue such licenses and certificates to graduates of the several normal schools of the state as said state board of education shall determine: Provided, That there shall always be maintained in the central Michigan and western normal schools a department especially for the education and training of teachers for the rural schools of the state.

Note.—The foregoing act in effect repeals Act 175 of 1897, which was an act authorizing the state board of education to grant certificates and maintain uniformity in courses of study in the normal schools.

LOAN FUNDS FOR THE BENEFIT OF STUDENTS.

Act to provide for the incorporation of associations for the purpose of establishing loan-funds for the benefit of school scholars and students of this state, to assist them to attend the university of Michigan, the state normal college at Ypsilanti, the central Michigan normal school at Mt. Pleasant, the Michigan state agricultural college at Lansing, the college of mines at Houghton, or the manual training schools of this state.

[Act 250, P. A. 1899.]

The People of the State of Michigan enact:

(497) § 11321. SECTION 1. Any five or more persons of full age residing in the state of Michigan may associate and incorporate themselves together for the purpose of establishing loan-funds for the benefit of school scholars and students of this state, to assist them to attend the university of Michigan, the state normal college at Ypsilanti, the central Michigan normal school at Mt. Pleasant, the western state normal school, the northern state normal school, the Michigan state agricultural college at Lansing, the Michigan college of mines, or the manual training schools of this state.

Am. 1919, Act 268.

(498) § 11322. SEC. 2. Articles of association shall be executed in duplicate, by the persons so associating themselves together in the first instance, and shall be acknowledged by them before some person authorized by the laws of this state to take acknowledgments of deeds, one of which duplicates shall be filed and recorded in the office of the secretary of state, and a record shall be made of such articles, and a certified copy thereof filed in the clerk's office in the county where such society is formed. Thereupon the persons so executing said articles, and such other persons as may thereafter, according to the provisions of such articles, become associated with them shall become and be a body politic and corporate, capable of being sued, for the purpose set forth in such articles.

(499) § 11323. SEC. 3. The articles of association shall contain:

First, The names and places of residence of the persons associated in the first instance;

Second, The name or title by which such association shall be known in law, and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it was organized;

Fourth, The number of its trustees or managers to manage the same, and the names of such trustees or managers for the first year of its existence.

(500) § 11324. SEC. 4. The affairs of such corporation shall be under the general management of not less than five nor more than fifteen trustees, to be chosen by the members

thereof, and to hold office for such time, not exceeding five years, as shall be provided by the articles of association; and the articles of association may provide for a classification of the trustees so that the terms of office of the several classes shall expire at different times, and for a classification of the members in accordance with their subscriptions to the objects for which the corporation was organized. The regular officers of such corporation shall form a part of such trustees. The officers may be chosen by the trustees or the members of the corporation, as the articles shall prescribe. The by-laws shall be adopted by the trustees, who may change them at pleasure. The majority of the trustees shall be a quorum to transact business. The articles of association of any such corporation may be amended at any time by a two-thirds vote of the trustees. Before any such amendment shall take effect, a copy of the resolution, certified by the secretary, shall be filed in the office of the secretary of state, and in the clerk's office of the county in which the original articles are filed.

(501) § 11325. SEC. 5. All the funds received by any corporation organized under this act shall be used, after paying necessary expenses, for the exclusive purpose or purposes set forth in the articles of association. And no portion of the funds of such corporation shall be used or contributed toward the erection, completion or furnishing of any building not owned or used by such corporation for the purpose or purposes set forth in its articles of association. Such corporation shall in equity and law be capable of taking and receiving real and personal estate, either by purchase, gift, grant, lease, or bargain and sale, devise and bequest, not exceeding twenty-five thousand dollars, in the aggregate, for the purpose of its incorporation, but for no other purpose, and it shall have power to invest the same at pleasure, and to grant, bargain, mortgage, sell or lease the same for the use of said association; and it shall be lawful to invest the same upon mortgage, or in or by loans on notes or bonds, or municipal, county, state or United States securities; or deposit the same in any reliable bank on interest; but no loans shall be made to any trustee or officer of such corporation: Provided, That any such corporation may, in its articles of association, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of association, then such funds shall only be invested in such securities as are specified in this act. Such corporation shall have the power to make all needful rules and regulations and by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state or of the United States.

(502) § 11326. SEC. 6. In case it shall at any time happen that an election of officers, directors or trustees shall not be made on the day designated by the articles of association and by-laws, said corporation for that cause shall not be dis-

Classification
of trustees.

By-laws.

Amendments.

Funds of
corporation.

May receive
real and
personal
estate.

Proviso,
may specify
kinds of
securities.

Election of
officers.

solved, but it shall and may be lawful on any other day to hold an election of officers, directors or trustees, in such manner as may be directed by the articles of association and by-laws of said corporation.

(503) § 11327. SEC. 7. The articles of association filed as required by this act, or a copy thereof certified by the officer with whom they are so filed, may be given in evidence in any court of this state for or against said corporation. Said corporation shall possess the general power conferred by and subject to the provisions and restrictions of chapter two hundred and thirty of the compiled laws of the state of Michigan of eighteen hundred ninety-seven, so far as the same may be applicable to corporations formed under this act.

Articles may be used in court.

General power of corporation.

STATE BOARD OF LIBRARY COMMISSIONERS.

An Act to create a state board of library commissioners, to promote the establishment and efficiency of free public libraries, and to provide an appropriation therefor.

[Act 115, P. A. 1899.]

The People of the State of Michigan enact:

(504) § 1150. SECTION 1. The governor, with the advice and consent of the senate, shall appoint four persons, residents of this state, who, together with the state librarian, who shall be a member ex-officio, shall constitute a board of library commissioners. Two members of said board shall be appointed for a term of four years and two for a term of two years, and thereafter the term of office shall be four years. All vacancies occurring in the appointive membership of said board, whether by expiration of term of office or otherwise, shall be filled by the governor, with the advice and consent of the senate.

Personnel of commission.

Filling of vacancies.

(505) § 1151. SEC. 2. It shall be the duty of the library commission to give advice and counsel to all free libraries in the state, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing, and all other details of library management. In January of each year the board shall make a report to the governor of its doings, of which report one thousand copies shall be printed by the state printer for the use of the board.

Duties of commission.

(506) § 1152. SEC. 3. It shall be the duty of all free libraries organized under the laws of the state, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and form such rules as the board may prescribe.

Reports to commission.

Sections 4 and 5 of this act are repealed by Act 274 of 1909.

DISTRIBUTION OF LAWS AND DOCUMENTS.

An Act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this state now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise and to provide for the publication and distribution of the official directory and legislative manual of the state of Michigan, etc.*

(From this act only such portions are quoted as relate directly to the public school system.)

[Act 44, P. A. 1899.]

Annual report
of superin-
tendent of
public in-
struction.

To whom
distributed.

Number of
pages.

Proviso.

Further
proviso.

Institute
outlines.

Duty of
county com-
missioner.

(507) § 830. SEC. 11. There shall be printed of the annual report of the superintendent of public instruction, a sufficient number to supply all school libraries in the state with one copy each, also one copy each to the following persons or institutions: To each superintendent of public instruction, state university, college of mines and state normal school in the United States, each living ex-superintendent and deputy superintendent of public instruction in this state, each member of county boards of examiners, each city superintendent of schools; two hundred copies for deposit with the secretary of state for future distribution, and such number of additional copies as the superintendent of public instruction may, in his discretion, deem necessary, and not exceeding three hundred copies. Said report shall not exceed three hundred pages including context and index, such pages to be the size of the pages of the report of the superintendent of public instruction for the year eighteen hundred ninety-five, and such report shall be distributed by the superintendent of public instruction. Not to exceed the sum of fifty dollars for any one report shall be expended for cuts or illustrations for said report: Provided, That said fifty dollars shall cover the cost for special paper, if necessary for such cuts, and also the cost of making such cuts: Provided further, That the state superintendent of public instruction may prepare and have published for the district schools a state course of study; for the teachers' institutes, institute outlines; and, from time to time, such educational bulletins as he may deem necessary and the board of state auditors may approve, for the advancement of the cause of education in Michigan.

Section 30 of the above act, as amended by Act 105, P. A. of 1921, provides for the distribution of the legislative manual (red book), and the list includes one copy for each of the following: each county clerk and county school commissioner; each district, graded and city public school; and each public library other than school library.

(508) § 850. SEC. 32. It shall be the duty of the county commissioners of schools to distribute all copies of the "official directory and legislative manual" to the schools in their respective counties, as provided in section thirty of this act; and also to see that the same are kept for the use of said

*Remainder of title, repealing clause.

schools, and it shall be the duty of the secretary of state to direct and oversee the prompt distribution of the laws, journals, documents and reports mentioned in this act, whose distribution is not otherwise provided for; and said laws, journals, documents and reports shall be shipped to the several county clerks and county commissioners of schools in the state, and be distributed by them to the persons, officers, corporations and societies within their respective counties entitled to the same, and that, until so distributed, they shall be carefully preserved by said county clerks and county commissioners of schools. That the accounts for boxes furnished to the secretary of state for package and distribution shall be audited and allowed by the board of state auditors and paid out of the state treasury, and the expense of transportation from the office of the secretary of state to the county clerks and county commissioners of schools, and of distribution by them to the persons entitled to the same, shall be audited and allowed by the boards of supervisors and paid out of the county treasuries.

Expense of
distribution.

(509) § 851. SEC. 33. It shall be the duty of the several county clerks and county commissioners of schools, upon receiving any of the books mentioned in this act, to receipt to the secretary of state for the same, which receipt shall be filed and preserved in the office of the secretary of state; and it shall also be the duty of the said county clerks and county commissioners of schools to distribute said books as provided in this act, and to report at the expiration of a month after each reception of books to the secretary of state, on blanks furnished by him, by giving a full statement of all of said books remaining in his office, together with the names of the officers neglecting to call for the books to which they are entitled; and it shall be the duty of all persons, officers, corporations and societies, upon receiving any of the books mentioned in this act, to receipt respectively to the county clerk and county commissioner of schools for the same, which receipt shall be filed and preserved in the office of the county clerk and county commissioner of schools respectively. It shall also be the duty of the secretary of state to notify each person to whom any books are sent, except township officers, either directly or in care of the county clerk, which are required by this act to be kept in any library or passed over to any successor in office, and that each person receiving such notice shall, within a reasonable time, apply to the county clerk for the books mentioned in this notice, if such books were sent to the county clerk, and obtain the same; and if such books have been received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent as in the case of his neglect or refusal to deliver over to his successor books received by him, except that books sent for the use of township officers may be sent to either the town-

Receipt to
secretary of
state.

Notification
by secretary
of state.

ship clerk or county clerk, when the secretary of state shall notify the township clerk, who shall draw all of the books for the officers of his township and distribute the same.

Section 34 provides that each city, village, township and county officer shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him which are required by this act to be placed in his library.

CUSTODY OF RECORDS: See *Murta v. Carr*, 140/606.

An Act to provide for the dissemination, publication and distribution to school districts of this state of pamphlets, documents, books and circulars written, compiled, published or prepared by any department of state government, or by any institution maintained in whole or in part by this state.

[Act 265, P. A. 1915.]

The People of the State of Michigan enact:

(510) § 5839. SECTION 1. On or before the first day of October, nineteen hundred fifteen, and on or before the first day of every month thereafter, it shall be the duty of the head of every department of state government, and all other institutions maintained in whole or in part by this state, to prepare and transmit to the superintendent of public instruction a detailed list of all pamphlets, documents, books and circulars compiled, published or prepared by such department or institution.

(511) § 5840. SEC. 2. On or before ten days after receipt by the superintendent of public instruction of the lists prepared and transmitted in compliance with the provisions of section one of this act, it shall be the duty of the superintendent of public instruction and the secretary of the public domain commission, to convene in the office of the superintendent of public instruction and there examine said lists and select therefrom such pamphlets, documents, books and circulars as they deem have an educational value. After the examination and selection as provided herein, it shall be the duty of the superintendent of public instruction and the secretary of the public domain commission to transmit to the head of each department and institution, a list of the selections made from the lists transmitted by the heads of such departments or institutions. Upon receipt of this selected list by the heads of such departments or institutions, it shall be their duty to transmit such pamphlets, documents, books and circulars as may be necessary to supply the school districts of the state, to the superintendent of public instruction and he shall apportion and transmit such pamphlets, documents, books and circulars to the school districts, to be the property of the school library: Provided, That the heads of the state departments and the heads of the state institutions mentioned in section one of this act are hereby authorized and required to have printed such additional copies of all pam-

Lists of pamphlets, documents, etc.

Selection of such as have educational value.

Transmission of selections.

Transmission of pamphlets, etc., to schools.

Proviso, printing of additional copies.

hlets, documents, books and circulars as may be required or distribution under section two of this act.

RURAL HIGH SCHOOLS.

An Act to provide for the establishment and maintenance of rural high schools.

[Act 144. P. A. 1901.]

The People of the State of Michigan enact:

(512) § 5934. SECTION 1. The township board of any township, not having within its limits an incorporated village or city, upon the petition of not less than one-third of the taxpayers of such township for the establishment of a rural high school, or for the discontinuance of any rural high school established under the provisions of this act, shall submit such question to a vote of the qualified electors of said township at a special election called for that purpose within sixty days from date of receipt of said petition.

Petition of taxpayers.

Submit vote at special election.

(513) § 5935. SEC. 2. All elections ordered by any township board in pursuance of section one of this act shall be held at the usual place or places of holding township elections, and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon "for rural high school—Yes." "For rural high school—No," or in the case of the discontinuance of any rural high school established under the provisions of this act, "For discontinuance of rural high school—Yes." "For discontinuance of rural high school—No."

Elections held at usual place.

Notice given.

Election, how conducted.

(514) § 5936. SEC. 3. If more votes are cast in favor of such high school than against it at such election, the qualified electors of said township shall elect at their next annual election of township officers a board of trustees of three members, one for one year, one for two years and one for three years, and on the expiration of their terms of office and regularly thereafter their several successors shall be elected in like manner for a term of three years each: Provided, That when a rural high school shall have been established by the electors of any township, the first election of such trustees may be ordered by the township board to be held at any time after the ten days' legal notice of such election shall have been given. The township clerk shall be ex-officio member and the clerk of the board and the township treasurer shall be ex-officio member and treasurer of the board, with the same power as other members of the board. If two-thirds of the votes cast are in favor of the discontinuance of any rural high school, such rural high school shall be discontinued in the

Board of trustees, when elected, terms of office.

Proviso, rural high schools.

Ex-officio members.

Discontinuance of rural high school.

same manner as is provided by law for the discontinuance of district schools.

Board of trustees, meetings.

(515) § 5937. SEC. 4. Said board of trustees shall meet on the third Monday in April of each year and organize by electing one of the trustees as president. Regular meetings of the board shall be held on the second Mondays of May, August, November and February in each year. Special meetings may be called upon five days' notice by the president or secretary. The board shall have power:

Powers.

(a) To supervise and visit the school;

(b) To admit all children of the township above the sixth grade and to admit and provide rates of tuition for non-resident pupils if they so elect; but nothing in this act shall be so construed as to limit the operation of the laws of this state relative to the compulsory education of children, or the liability of children to attend school thereunder, and it shall be the duty of the officers charged by law to enforce the provisions of said laws relative to the compulsory education of children, to enforce in like manner the attendance at such high schools of children admitted to attendance thereat under the terms of this act;

(c) To select and adopt text-books;

(d) To appoint legally qualified teachers;

(e) To fix wages, make general rules and regulations for the control of the school, suspend or expel pupils, fix the time of school which will not be more than ten months nor less than seven in any one year;

(f) To rent or to purchase and hold real estate for such township high school, build and furnish schoolhouses, determine location of grounds and building, which shall be as near the center of the township as practicable, according to sanitary conditions, and to receive and hold bequests and gifts for the benefit of the school, and to dispose of property belonging to the district subject to the provisions hereinafter named;

(g) To provide a course of study which shall be approved by the superintendent of public instruction and the president of the Michigan agricultural college, and shall not consist of more than four years' work; said course of study may include instruction in manual training, domestic science, nature study and the elements of agriculture;

(h) To estimate and vote the amount of tax necessary to support the school at a meeting previous to October first in each year and report the same to the supervisor, which amount shall be spread upon the tax roll the same as other district taxes, and in their discretion borrow money for current expenses, which amount shall not exceed fifty per cent of the amount of tax voted;

(i) To publish annually in one newspaper of the township or county a statement of the proceedings of the board meetings and an itemized account of all receipts and expenses, and file a copy of the same in the office of the county school

ommissioner and state superintendent of public instruction within sixty days of the date of publication of the same;

(j) To call special elections or meetings of the township, if necessary, to vote on the amount of money to be raised for the purchase of grounds and erection of buildings and for such other purposes as may be necessary within the authority of the provisions of this act or of the general school laws.

(516) § 5938. SEC. 5. The secretary of the board shall receive not to exceed fifty dollars per annum for his services. Salary of secretary.

It shall be his duty to keep the records, provide supplies, visit the school and make annual reports to the school board, the county school commissioner and the state superintendent of public instruction, in such form as the superintendent of public instruction shall direct. Duty of secretary.

(517) § 5939. SEC. 6. All orders on the treasurer for moneys shall be ordered by the board and signed by the secretary and president. Orders for money.

(518) § 5940. SEC. 7. A majority of the taxpayers of the township shall determine the amount to be expended in the grounds and building of said school and may bond the township for such amount: Provided, That the amount of said bonds shall not exceed five thousand dollars, and that the period of such bonds shall not continue beyond ten years. Limit of bond.

(519) § 5941. SEC. 8. The high schools established under the provisions of this act shall be under the supervision of the county commissioner of schools, and all questions of management, support and control arising under the provisions of this act and not expressly provided for therein shall be subject to the provisions of the general school laws of this state. Under supervision of commissioner.

Sec. 9. Repealing clause.

INFORMATION REGARDING LIBRARIES.

An Act to secure information regarding all public or school libraries in this state.

[Act 134, P. A. 1903.]

The People of the State of Michigan enact:

(520) § 1153. SECTION 1. Hereafter it shall be the duty of the librarian of any and all public libraries, including township, school district, village or city libraries, to make an annual report regarding the location, condition and support of said library to the county commissioner of schools on or before the thirtieth day of June in each year. Librarian to make annual report.

(521) § 1154. SEC. 2. It shall be the duty of the county commissioner of schools in each county, immediately after receiving the reports from the several libraries in his county and before the first day in September of each year, to trans- To whom county commissioner of schools to transmit list.

mit to the secretary of the state board of library commissioners at Lansing a complete list of all the libraries other than personal libraries within his county, together with the several reports provided for in section one of this act, blanks for reports in both instances to be furnished by the board of library commissioners.

Sec. 3 repeals Act 199, P. A. 1901.

PAYMENT OF TUITION OF EIGHTH GRADE PUPILS.

An Act to provide for the payment of tuition in and transportation to another district, of children who have completed the eighth grade in any school district; and to repeal act number one hundred ninety of the public acts of nineteen hundred three, and all other acts and parts of acts in anywise contravening the provisions of this act.

[Act 65, P. A. 1909.]

The People of the State of Michigan enact:

Payment of
tuition.

(522) § 5830. SECTION 1. The district board or board of education of any school district which does not maintain a high school, shall have authority and is hereby required to vote a tax sufficient to pay the tuition to any high school which is approved by the superintendent of public instruction, of any children of school age, residents of said district at the time of giving notice as hereinafter provided, who have completed the studies of the eight grades not exceeding in amount the per capita cost per year based on the average enrollment for the preceding school year in the high school where said children may attend, but in no case shall said amount exceed sixty dollars per pupil, per year, unless the voters appropriate a larger sum at the annual school meeting, or at a special meeting called for that purpose, and may vote a tax to pay the transportation during school days of such children, such tuition to be paid by the treasurer of the district in which the pupil resided at the time of giving the notice herein provided, to the treasurer of the district where the high school attended is located: Provided, That a parent or the legal guardian of such children, or the person in parental relation to such children, shall give written notice to the district board or board of education on or before the fourth Monday of June, that such children desire to attend any high school during the ensuing year. Upon receiving written notice of children eligible to attend high schools, the district board or board of education shall vote a tax sufficient to cover the necessary expense for tuition as herein provided, and may vote a tax sufficient to cover the necessary expense for daily transportation of such children: Provided, That the district board or board of education of a district having sufficient money in the general fund may pay the tuition of those who have completed the studies of the eight grades as

Proviso,
notice.

Proviso.

provided in this act even though the notice required has not been filed in due time by the parent, legal guardian, or other person in parental relation to such children, and the district board or board of education of a township school district maintaining a legal high school as provided in this act may pay the tuition of its eighth grade graduates to some other legal high school if in the judgment of said board the educational interests of such eighth grade graduates will be better served: Provided, That any surplus moneys in the treasury of said district belonging to the primary fund may be used in paying necessary tuition in lieu of a tax therefor: Provided, That the per capita cost herein referred to shall not be interpreted to include the cost of sites, school buildings, and the repairs on the same.

Am. 1917, Act 11; 1919, Act 59; 1921; Act 79.

(523) § 5831. SEC. 2. The tax provided for in section one of this act shall be reported to the clerk of the township in which such district is located and shall be spread upon the tax roll of such township in the same manner and at the same time as other school taxes.

Section 3 repeals Act 190 of 1903.

(524) § 5833. SEC. 4. A high school shall be a graded school maintaining twelve grades of work with at least three teachers devoting their entire teaching time to the work of the seventh, eighth, ninth, tenth, eleventh and twelfth grades, or two teachers devoting their entire teaching time to the work of the eighth, ninth, tenth, eleventh and twelfth grades: Provided, That a graded district having a course of at least ten grades with one teacher, devoting his entire teaching time to the eighth, ninth and tenth grades, shall not be obliged to pay the tuition of its pupils to a twelve grade school until such pupils have finished ten grades of work in their own district: Provided further, That the district board in a primary school district may pay the tuition of its pupils who have satisfactorily passed the county eighth grade examination as hereinafter specified to a graded school district maintaining ten grades of work for a period not exceeding two school years, after which the tuition of such children shall be paid to a high school as provided in this act.

(525) § 5834. SEC. 5. Pupils eligible to have their tuition paid shall be the holders of county eighth grade diplomas granted by the county boards of examiners in the several counties under rules and regulations prescribed by the superintendent of public instruction, or shall have completed eight grades of work in a graded school district as evidenced by the written statement of the superintendent of schools in such graded school district.

An Act to enable district boards and boards of education to pay tuition to another district.

[Act 21, P. A. 1913.]

The People of the State of Michigan enact:

Tuition to
nearest
school.

(526) § 5835. SECTION 1. The district board or board of education in all primary, graded and township unit districts of the state may use money in the general fund of said district for the purpose of paying tuition to some other district or districts, of children who have not completed eight grades of work, in cases where such children are nearer to the schoolhouse in another district than to the schoolhouse in their own district, and may vote a tax for such purpose.

CHILDREN OF INDIGENT PARENTS.

An Act to provide means whereby children of indigent parents, within school age, may attend school.

[Act 198, P. A. 1911.]

The People of the State of Michigan enact:

Truant
officer may
investigate.

(527) § 5989. SECTION 1. Any truant officer of this state when authorized by the board of education to investigate, and when satisfied that any child within his jurisdiction, required by law to attend school, is unable so to do by reason of the fact that the services of such child are absolutely required for the support of himself or herself, or to assist in the support or care of others legally entitled to his or her services, such person or persons being unable to support or care for themselves, such truant officer shall report the case to the board of education of the school district in which such child may reside, and such board of education shall be authorized to and may in their discretion grant such relief as will enable the child to attend school during the entire school year. In all cases where such relief is necessary the said board of education shall be authorized to, and may in their discretion, furnish to such child the necessary text-books free of charge, in addition to such other necessary assistance or support.

Relief may be
granted.

Amount paid
to family.

(528) § 5990. SEC. 2. For the purposes in this act provided such board of education shall pay, during the school year, to the family of such child a sum not to exceed three dollars a week, nor more than six dollars a week for the children of any one family. Said money shall be paid in the same manner and out of the same fund as are the current expenses for the maintenance of public schools.

(529) § 5991. SEC. 3. It shall be the duty of the truant officer or treasurer of the school board in any district where a child is receiving aid under the provisions of this act to disburse the funds herein provided for, and to investigate the environment of the child, and to make an itemized report monthly to the school board or some officer appointed by the board, of the manner in which such funds were expended: Provided, That in cities having a juvenile court such investigation shall be made by such court.

Monthly report to be made by truant officer.

Proviso.

(530) § 5992. SEC. 4. The truant officer shall notify the teacher to whom any child receiving aid under the provisions of this act may be assigned, and it shall be the duty of the teacher having charge of such child to report monthly to the school board through the superintendent of schools, the progress such child is making in his or her school work, and the record of attendance together with such other information as may be deemed necessary. Said truant officer shall receive the same compensation for the time so engaged under the provisions of this act as he receives for similar services performed by him and shall be paid in the same manner.

Monthly report to be made by teacher.

COUNTY NORMAL TRAINING CLASSES.

An Act for the establishment of county normal training classes and for the maintenance and control of the same.

[Act 241, P. A. 1903.]

The People of the State of Michigan enact:

(531) § 5943. SECTION 1. Upon the notification by the board of education of a district in a county not having a state normal school within its borders, that the district and the board of supervisors of the county have voted to establish a county normal training class, the state superintendent of public instruction may, subject to the provisions herein named, grant permission to establish, maintain and control a county normal training class for the purpose of giving free instruction and training in the principles of education and methods of teaching to residents of the county: Provided, That in any city of this state, having a population of two hundred fifty thousand or over and comprising a single school district, the board of education of said district, instead of the legal voters of the district, shall have the authority to vote to establish a county normal training class within said district: Provided, That but one such training class shall be established in any county: And provided further, That not more than ten such classes shall be established in the state in any one year.

When permit to be granted.

Proviso, certain cities.

Proviso, Further proviso.

County normal board, how constituted.

(532) § 5944. SEC. 2. The superintendent of public instruction together with the county commissioner of schools of the county and the superintendent of the schools in the district in which a normal training class has been established under the provisions of this act, shall constitute the county normal board: Provided, That in case the superintendent of the schools of the district is also commissioner of schools of the county the board of education of the district shall select the third member of the county normal board.

Proviso.

Normal board, duties of.

(533) § 5945. SEC. 3. The duties of the county normal board shall be as follows:

First, To determine the qualifications for admission to the county normal training class;

Second, To establish a one-year course of study to be pursued, a year to consist of not less than thirty-two weeks of five days each;

Third, To grant certificates of graduation to such persons as finish the course adopted above, in such form as the superintendent of public instruction shall prescribe.

Certificate of graduation.

(534) § 5946. SEC. 4. The certificate of graduation shall qualify the holder to teach in the public schools as follows:

First, The certificate of graduation shall qualify the holder to teach for three years from date of issue in any school employing not more than two teachers, in the county in which the county normal training class is situated: Provided, That the certificate of graduation shall also qualify the holder to teach in any rural agricultural school district organized under the provisions of act number two hundred twenty-six of the public acts of nineteen hundred seventeen, as amended, and in the one room, two room, and rural agricultural schools established in any township school district in said county, or in primary or graded school districts not containing an incorporated city or village: Provided, That any certificate shall become valid as above specified in any other county when endorsed by the authority that grants certificates in such county;

Proviso, rural agricultural school.

Proviso.

Second, A certificate of graduation may be renewed or revoked by a majority vote of the county normal board.

Am. 1921, Act 82.

Renewal, etc.

Normal training classes, maintenance of.

(535) § 5947. SEC. 5. For the purpose of maintaining such normal training classes as are herein prescribed, it is further provided:

Districts establishing, what to furnish.

First, That the district receiving permission to establish a county normal training class shall provide teachers, and rooms with heating and equipment satisfactory to the superintendent of public instruction, and said board shall include in the expense budget of the district such sum as may be necessary for these purposes;

Teachers' salaries, appropriation for.

Second, That the auditor general annually, on or before the thirtieth day of June, upon the certificate of the superintendent of public instruction that the equipment and instruction

if any county normal training class has been satisfactory, shall draw his warrant on the state treasurer in favor of the treasurer of the district board or the board of education of the district maintaining such normal training class to the amount of six hundred dollars for each teacher employed in the training school, to be paid out of the general fund: *Proviso.* Provided, That in no case shall the total of such appropriation exceed twelve hundred dollars in any county during any school year;

Third, In any district establishing a county normal training class, the board of education shall, previous to the first day of October in each year, estimate the cost of instruction for the current year in the county normal training class, and, deducting therefrom the amount appropriated by the foregoing provisions of this act, report the balance to the county clerk on or before the first day of October; *Cost of instruction.*

Fourth, At its October session, the board of supervisors shall appropriate out of the general fund of the county one-half of the balance due for instruction, as shown by the aforesaid report to the county clerk, which amount shall be assessed and collected at the same time and in the same manner as the other county taxes: *Appropriation for.* Provided, That in no case shall such appropriation made in any county exceed one-half the amount appropriated by the state according to the provisions of this act. The money so raised shall constitute the county normal fund. *Proviso.*

Am. 1917, Act 217.

(536) § 5948. SEC. 6. On or before the thirtieth day of June of each year, it shall be the duty of the county commissioner of schools to certify to the county clerk the balance between the total cost of instruction for the current year and the amount appropriated by the auditor general. Upon receipt of such certificate, the county clerk shall draw an order for one-half of the said balance upon the county treasurer in favor of the treasurer of the board of education of the district establishing the normal training class: *Commissioner of schools, duty of.* Provided, *When clerk to draw order.* That such order shall not exceed the amount appropriated by the board of supervisors according to the provisions of this act. *Proviso.*

(537) § 5949. SEC. 7. All moneys remaining in the county normal fund upon the first of September of each year shall be returned to the general fund of the county. *Disposal of remainder of fund.*

TRADE, VOCATIONAL, INDUSTRIAL, MARINE, ETC.,
SCHOOLS.

An Act empowering school districts in the state of Michigan to establish and maintain trade, vocational, industrial, marine and manual training schools, school gymnasiums and scholarships, and to accept gifts, legacies and devises.

[Act 22, P. A. 1911.]

The People of the State of Michigan enact:

Authority to
establish, etc.

(538) § 5950. SECTION 1. Any school district, with the consent of a majority of the qualified electors voting at any annual meeting of such district or at any special meeting thereof duly called for the purpose, shall through its school board have power to establish, conduct and maintain trade, industrial, marine, vocational and manual training schools and school gymnasiums within said school district; to control and classify and to restrict the number of pupils and the terms of their attendance therein; to prescribe the course of studies and work and to employ the necessary teachers and instructors therein; to acquire the necessary sites; to acquire, construct and provide the necessary buildings and equipments, books and supplies therefor; to defray the cost and expense thereof by general tax upon the taxable property of said school district, and to issue the bonds of said school district to meet any temporary loans required for any of the purposes aforesaid.

To acquire
sites, build-
ings, etc.

Legacies, etc.

(539) § 5951. SEC. 2. Said school district with the like consent shall through its school board have power to accept and use, care for, control, invest and keep invested as permanent funds any gifts, legacies or devises whatsoever heretofore or hereafter made to said school district for any of said above named purposes, or for university or college scholarships or for general school objects, and to carry into effect the terms and conditions thereof. All permanent and endowment funds shall be under the control of said school board. Any action of said school district and of its school board heretofore taken with respect to any gifts, legacies or devises already made to said school district for trade and industrial school and scholarship purposes is hereby legalized.

Endowment
funds.

Certain
actions
legalized.

CONTROL, ETC., OF CERTAIN COLLEGE OF MEDICINE AND SURGERY.

An Act to enable the board of education of cities having a population of two hundred and fifty thousand or over and comprising a single school district, to take the control and management of a college of medicine and surgery and give other courses of higher education.

[Act 109, P. A. 1919.]

The People of the State of Michigan enact:

(540) SECTION 1. The board of education of cities having a population of two hundred and fifty thousand or over and comprising a single school district may take the control and management of any college of medicine and surgery in the city and maintain and conduct the same. Authority granted board of education.

(541) SEC. 2. In connection with said college it may give courses of instruction in dentistry, pharmacy, chemistry and other similar courses of higher instruction such as are commonly given in like institutions in the United States. Courses of instruction.

(542) SEC. 3. It may make a contract with any hospital, either within or without the city, to facilitate and promote the instruction given to the students of said college. May contract with hospital.

(543) SEC. 4. It may combine the courses of said college of medicine and surgery with any other collegiate courses, it is, or may be authorized to give, and on their completion confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions in the United States. Combined with collegiate courses.

(544) SEC. 5. It shall have the right in connection with any college course, any university course, or any course in higher education, which it is or may be authorized to furnish, to confer honors and degrees and grant diplomas, conditioned upon attainments and completion of courses of instruction, equivalent in time, application and quality of study and instruction, to those commonly required in like institutions in the United States. May confer degrees, etc.

(545) SEC. 6. It shall have power in connection with any college course, or any course in higher education, which it is or may be authorized to furnish, to delegate to proper officers the power to issue and enforce orders relative to the good government of said schools and the discipline and conduct of students, and it also shall have power to make rules and regulations relative to the hours of study, and the conduct of students both within and without said schools; relative to matriculation, tuition and expense charges and anything whatever that may advance the interests of education, the good government and prosperity of said institutions and it may exercise these powers as fully and completely as if said institutions were privately owned and controlled. Discipline, etc., of students.

(546) SEC. 7. It may give to any college it is or may be authorized to establish or maintain any name it desires, but Name of college.

it shall not adopt the name of any other college in operation, nor of any living individual, nor shall it exercise any power herein conferred, except in the manner provided by law for its guidance.

Sec. 8 declares this act to be immediately necessary for the preservation of the public peace, health and safety.

CERTAIN PROCEEDINGS VALIDATED.

An Act to cure all proceedings and action taken and things done by or on behalf of the free schools by the board of education, or its officers, of cities having a population of two hundred fifty thousand or over, and comprising a single school district.

[Act 85, P. A. 1919.]

The People of the State of Michigan enact:

(547) SECTION 1. All proceedings and actions taken and things done by or on behalf of the free schools by the board of education, or its officers, of cities having a population of two hundred fifty thousand, or over, and comprising a single school district, by which the control and management of any college of medicine and surgery was taken over; by which any college of medicine and surgery was maintained as a part of the school system; by which public money was expended for any college of medicine and surgery; by which estimates were prepared, presented and allowed, and taxes levied therefor, or in lieu of taxes, bonds authorized; by which an attempt was made to authorize, issue and sell bonds for general school purposes at a rate of interest not authorized by any valid law; by which provision to care for the debt of the said schools was made in the city's sinking fund; by which, by virtue of the authority or alleged authority of any special or local act passed by local authority, proceedings were had, action taken and things done for said free schools, are all hereby ratified, confirmed and validated, as fully and completely as if authority had been given therefor by law before the proceedings were had, action taken or things done.

Sec. 2 declares this act immediately necessary for the preservation of the public peace, health and safety.

Certain
actions, etc.,
validated.

ACQUISITION OF LANDS.

An Act to authorize boards of education to acquire and control lands for sites for school houses, agricultural sites, athletic fields and play-grounds, and to establish, equip and maintain trade and other vocational schools and to acquire lands for such purpose outside the district limits.

[Act 222, P. A. 1911.]

The People of the State of Michigan enact:

(548) § 5952. SECTION 1. The board of education of any organized school district containing a population of one hundred thousand or more shall have full power and authority to locate; purchase or lease, in the name of the district, such site or sites for schoolhouses, agricultural sites, athletic fields and playgrounds as may be necessary out of the funds provided for that purpose, and may make sale of any site or other property of the district which is no longer required for school purposes, and may also establish, equip and maintain agricultural, trade and other vocational schools, and if deemed necessary by such board may acquire land for such purpose outside the district limits.

Districts, to which applicable.

May establish agricultural, etc., schools.

COUNTY SCHOOLS OF AGRICULTURE.

An Act to provide for the establishment of county schools of agriculture, manual training and domestic economy.

[Act 35, P. A. 1907.]

The People of the State of Michigan enact:

(549) § 5953. SECTION 1. The board of supervisors of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of any county school of agriculture, manual training and domestic economy: Provided, That upon petition of not less than ten per cent of the qualified electors of any county, said ten per cent shall be determined by the total number of votes cast for secretary of state at the last preceding November election, and the board of supervisors shall submit the question of the establishment of a county school of agriculture, manual training and domestic economy at a general election or a special election called for that purpose. If a majority of the electors voting upon such proposition shall vote in favor of the establishment of such school, it shall be the duty of the board of supervisors to provide for the organization, equipment and maintenance of such school as in this act provided. Whenever the board of supervisors of the county shall by a two-thirds vote of all members elect, resolve to contract indebted-

Duty of board of supervisors.

Proviso, election.

To issue bonds, etc.

ness or issue bonds to raise money for the organization, equipment and maintenance of such school, the question shall be submitted to the vote of the electors of the county at a general or special election to be called for that purpose. Notice of the submission of such resolution to the vote of the electors and, in case a special election is called, notice of the calling of such special election shall be given in the same manner and for the same length of time as is now prescribed by law for general elections. If a majority of the electors of the county, voting on such resolution, shall vote in favor thereof, it shall be deemed to have carried. The returns of the election herein provided for shall be canvassed and the results declared in the same manner and by the same officers as is provided by general law for canvassing the returns of and declaring the results in city, county and district elections. The manner of stating the question upon the ballots shall be prescribed by the resolution of the board of supervisors.

(550) § 5954. SEC. 2. A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such schools, except as otherwise provided by law. Said board shall consist of five members, one of whom shall be the county commissioner of schools of the county or district in which the school is located. The other members of the board shall be elected by the board of supervisors, one for one year, one for two years, one for three years and one for four years, and thereafter one member of the board shall be elected annually for the full term of four years from the date of the expiration of the term about to become vacant, but no member of the board of supervisors shall be eligible. Vacancies existing in the board from whatever cause, except in the case of the county commissioner, shall be filled by appointment made by the chairman of the board of supervisors, if the board of supervisors is not in session when such vacancy occurs. If the board of supervisors is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the board of supervisors, as hereinbefore specified, shall be for the period of time until the next regular meeting of the board of supervisors. Each person appointed or created a member of the county school board shall, within ten days after the notice of such appointment, take and subscribe an oath, to support the constitution of the United States and the constitution of Michigan, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the board of supervisors, which bond shall be filed in the office of the county clerk. Within fifteen days, after the appointment of said board, the members thereof shall meet and organize by electing one of

Submission
to electors.

County
school board
created,
powers.

Of whom
composed.

Vacancies,
how filled.

Oath, where
filed.

Bond.

Organization
of board.

their number as president. The county commissioner of schools shall be ex-officio secretary of the said board. The board hereafter created shall prescribe the duties of the several officers except as fixed by law.

(551) § 5955. SEC. 3. Whenever two or more counties unite in establishing such a school, the provisions of section two of this act shall apply to the organization of the county school board, and to filling vacancies therein: Provided, that the county commissioner of the county in which the school is located shall be a member of the board and ex-officio its secretary; and two members shall also be elected from each county by the board of supervisors thereof, one for one year and one for two years, and thereafter one member of the board shall be elected annually in each county for the full term of two years, but no member of the county board of supervisors shall be eligible.

Proceedings when two or more counties unite in establishing. Proviso.

(552) § 5956. SEC. 4. Whenever two or more counties shall unite in establishing and maintaining a school under the provisions of this act, the county school board herein provided shall, on or before the first day of October in each year, determine the amount of money necessary for the equipment and maintenance of said school for the ensuing year, which said amount they shall apportion among the counties in proportion to the assessed valuation of each county as last fixed by the state board of equalization and shall report their estimate and apportionment to the county clerk of each county, who shall lay said report before the board of supervisors at its annual meeting. The amount so apportioned to each county shall be levied by the board of supervisors of such county, as a portion of the county tax for the ensuing year, for the support of the said school.

County school board to apportion expenses.

Tax levy.

(553) § 5957. SEC. 5. The county treasurer of the county in which said school is located shall be ex-officio treasurer of said board; all moneys appropriated and expended under the provisions of this act shall be expended by the county school board and shall be paid by the said county treasurer on orders issued by said board or in counties having a board of county auditors, by such auditors, and all moneys received by said board shall be paid to the said county treasurer for the fund of the county school board.

Treasurer of board, duties.

(554) § 5958. SEC. 6. In the county schools of agriculture and domestic economy organized under the provisions of this act, instruction shall be given in the elements of agriculture including instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instructions shall also be given in manual training and domestic economy and such other related subjects as may be prescribed.

Instruction to be given.

(555) § 5959. SEC. 7. Each such school shall have connected with it a tract of land suitable for purposes of experiment and demonstration, of not less than ten acres in area.

School to have land.

School to be free.

"Special classes."

Superintendent of public instruction, duty of.

President agricultural college.

Proviso as to superintendent of school.

Schools, when placed upon approved list.

Annual report.

(556) § 5960. SEC. 8. The schools organized under the provisions of this act shall be free to the inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study as prescribed by the school board. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary.

(557) § 5961. SEC. 9. The state superintendent of public instruction shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools, and, with the advice of the president of the Michigan state agricultural college, determine the qualifications required of teachers employed in such schools: Provided, That no person shall be eligible to a position as superintendent of any school established under this act, who is not a graduate of a state college of agriculture. The state superintendent of public instruction shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon to said schools as shall give full information concerning their number, character and efficiency.

(558) § 5962. SEC. 10. Any school established under the provisions of this act, whose course of study and the qualifications of whose teachers have been approved by the superintendent of public instruction and the president of the Michigan state agricultural college, and which shall have expended at least twenty thousand dollars in buildings and equipment, and shall have acquired title to at least eighty acres of land to be used in connection with said school, may, upon application, be placed upon the approved list of county schools of agriculture, manual training and domestic economy. A school once entered upon said list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the superintendent of public instruction. On the first day in July of each year the secretary of each county school board maintaining a school on the approved list shall report to the superintendent of public instruction, setting forth the facts relative to the cost of maintaining the school, the character of the work done, the number and names of teachers employed, and if more than one county contributes to the support of such school, the amount so contributed by each county and such other matters as may be required by the county school board or the said superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months during the year, closing on the thirtieth day of the

preceding June, the said superintendent shall make a certificate to that effect and file it with the auditor general. Upon receiving such certificate, the auditor general shall draw his warrant payable to the treasurer of the county maintaining such school for a sum equal to two-thirds the amount actually expended for maintaining such school during the year: Amount drawn. Provided, That the total sum so apportioned shall not exceed four thousand dollars to any one school in any one year: Proviso. Provided further, That any such school receiving state aid shall be free to the inhabitants of the state on such terms as may be provided by said board and the superintendent of public instruction. Further proviso. When more than one county has contributed to the support of the school, the auditor general shall draw his warrant payable to the treasurer of each county for such portion of the state aid as the amount contributed by his county is part of the total amount contributed by all the counties for the support of the school for the preceding year. Tax clause. The auditor general shall annually, beginning in the year nineteen hundred thirteen, include and apportion in the state tax such sum as shall have been so paid.

RURAL AGRICULTURAL SCHOOLS.

An Act to provide for the establishment of rural agricultural schools by consolidating three or more rural school districts, and for the consolidating of three or more schools in any township district; for the organization of school districts in certain cases; for teaching agriculture, manual training and home economics therein, and providing state aid for the maintenance thereof. (a)

[Act 226, P. A. 1917.]

The People of the State of Michigan enact:

(559) SECTION 1. Three or more rural schools which have been or may hereafter be consolidated and in which the teaching of agriculture, manual training and home economics shall or may be established as part of the regular courses of study, shall be known as rural agricultural schools and shall be entitled to state aid for the maintenance thereof, if built, equipped, and managed as provided for in this act. Establishment of.

(560) SEC. 2. Such rural agricultural schools shall have a site of not less than five acres of ground except where the obtaining of such site is not feasible, in which case the superintendent of public instruction may approve a smaller site, and shall have a corps of teachers consisting of one principal, or superintendent, and two or more teachers who are engaged to teach during not less than nine months in any one year. Site.

Am. 1921, Act 97.

(a) Title Am. 1919, Act 81; 1921, Act 97.

Rural agricultural school, how established.

Contiguous rural districts.

When question submitted.

When established.

Petition for.

Proviso.

When consolidation effective.

Special election, when called.

(561) SEC. 3. Whenever the county commissioner of schools shall be presented with petitions signed by twenty-five per cent of the legal school electors of each of three or more contiguous rural school districts to establish a rural agricultural school by consolidating the territory of said districts, the county commissioner of schools shall cause to be submitted the question of consolidating said territory to form a rural agricultural school by the consolidating of the territory of said rural school districts, or whenever the district board of any township school district deems it advisable to establish a rural agricultural school within said township school district, it may establish such school in said township school district by complying with the provisions of this act. Contiguous rural school districts shall be any group of rural school districts having continuous territory, but shall not be construed to include only those districts with one common point of contact. The question of establishing a rural agricultural school shall be submitted to the qualified school electors at a special meeting held for such purpose, notice thereof being given not less than twenty days prior to the time of holding such meeting by posting three or more notices in each district affected. The polls shall be open at least seven hours, and the voting shall be by ballot. The county commissioner of schools in the consolidating of rural school districts shall determine the form of ballot to be used and the hour at which the polls shall be open, which hour shall be stated in the notice. If a majority of the qualified school electors present and voting at a special meeting shall vote in favor of the establishing of a rural agricultural school, it shall be established by the county commissioner of schools as herein provided. When the school board of any township school district shall be presented with a petition or petitions signed by a majority of the legal school electors of said township school district, it shall establish a rural agricultural school. A township school district as used in this act shall mean any township school district operating under a special act, or the graded law as well as those operating under the general law: Provided, That if the school districts to be consolidated are located in more than one county, it shall be the duty of the county commissioners of schools of these counties to designate one of their number to call the elections provided for in sections three and four of this act. In case the county commissioners of schools cannot agree as to which one of them shall call the said elections, the superintendent of public instruction shall designate the county commissioner whose duty it shall be to call the elections herein designated. The consolidation of the rural districts shall become effective whenever the county commissioner of schools shall receive notice of the affirmative vote of three or more contiguous rural school districts as herein provided. Whenever the county commissioner of schools shall be presented with petitions requiring the submission of the

question of the establishing of a rural agricultural school as provided in this section, he shall within twenty days cause to be called a special election for all the school districts represented by such petitions for such purpose. He shall designate the place where the election shall be held for all the districts voting as a unit and prepare and have printed the necessary ballots. He shall designate one of the township boards of the township in which the territory is situated to conduct said election, and it shall be the duty of said township board to conduct such election. The conducting of the election and the canvass of the votes except as herein provided shall be in the same manner as at township elections, so far as the laws governing the same are applicable, and when said laws are not applicable the township board shall prescribe the manner in which such election shall be conducted and the canvass made. The result of said election shall be certified by said election board to the county commissioner of schools herein designated. The township board designated to conduct said election and such other inspectors of election and members thereof as would be required under the general election laws shall receive the same compensation for conducting said election as it would if it were conducting a township election. The expense of conducting such election shall be determined by the township board according to the provisions hereof and apportioned equally among the several school districts voting upon the question of consolidation. It shall be the duty of the director or secretary of the school board of said districts to draw an order upon the treasurer of his district in favor of the person or persons designated by said township board for the amount to be paid by his school district as determined by said township board, and it shall be the duty of the moderator to sign such order and the treasurer to pay the same. A majority vote of the qualified school electors present and voting as a unit of all the districts that filed petitions signed by at least twenty-five per centum of the legal voters shall be necessary to authorize the establishment of a rural agricultural school. Whenever the county commissioner of schools is presented with a petition or petitions requesting him to submit to the legal school electors the question of establishing a rural agricultural school, he shall refer to the superintendent of public instruction for his opinion as to the advisability of uniting all of said territory into one rural agricultural school district. The superintendent of public instruction shall have authority to confirm the action of the several contiguous rural districts in forming the proposed rural agricultural school, or he may require that one or more of such districts be not included in the group to form a rural agricultural school. His action in the matter shall be final: Provided, That in voting to form a rural agricultural school district in which one or more graded school districts of twelve grades is to be included as a part

Conduct of.

Result, how certified.

Expense, how paid.

Proviso.

of the unit, the rural school district or districts, which includes said graded school district or districts, shall vote separately and all other territory to be included in the rural agricultural school district shall vote separately but as one unit. The school board shall conduct the election in the school district containing the graded school district; and the township board designated by the county school commissioner, as herein provided, shall conduct the election for the portion of the territory outside of the rural district or districts which include said graded school district. The election in the school district including the graded school district or districts and the election in that portion of the territory outside of the rural district including said graded school district shall be held on the same day and during the same hours. The result of said elections shall be certified by the election boards conducting the same to the county commissioner of schools herein designated. The affirmative vote of a majority of the legal school electors present and voting of each election unit shall be necessary to authorize the establishment of the rural agricultural school: Provided, Whenever the township school board of a township school district shall proceed to establish a rural agricultural school as provided in this act, the rural agricultural school so established in a township school district shall be a part of the school system of said township district: Provided, Any rural school district adjoining a rural agricultural school district by a majority vote of the qualified school electors present and voting in each district affected at any annual or special meeting called for the purpose may be annexed to the said rural agricultural district by the township board or township boards of the township or townships in which said territory lies. Such annexation shall not operate to affect the legal organization of said rural agricultural school district. It shall be the duty of the school board of each district concerned to file within ten days a certified statement of the affirmative vote for annexation with the township clerk of the township in which the schoolhouse of said rural school district is located. The said township clerk shall, within twenty days after receiving the certified statements from both districts, call a meeting of the township board or boards in the same manner as is provided under the general school laws for the changing of boundary lines of school districts. At said meeting the township board or boards shall annex the territory of said rural district to the territory of said rural agricultural district: Provided, That the question of establishing a township unit district embracing all or a part of the territory in a rural agricultural school district shall not be submitted until the rural agricultural school district has elected its board of education and the board has qualified and elected its officers: Provided further, That whenever any rural agricultural school district has been organized as provided in this act and said rural agricultural

Election, who to conduct.

Result, how certified.

Proviso.

Proviso, annexation.

Proviso.

Further proviso, disbandment.

school district has complied with the provisions of this act for a period of five years, or longer, the qualified school electors of said school district shall have the right, by presenting the trustees with a petition signed by a majority of the legal school electors, to disband such school district in the same manner as that provided in section six of chapter ten of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, being section five thousand seven hundred thirty-nine of the compiled laws of nineteen hundred fifteen: Provided, That school electors as mentioned in this act shall include every citizen of the United States of the age of twenty-one years, male or female, who are residents of the district, and who shall possess the qualifications required of school electors under the general school laws.

Am. Id.

(562) SEC. 4. Whenever the consolidation of three or more contiguous rural school districts becomes effective as provided in section three, the county commissioner of schools designated in section three shall call a district election for the second Monday in July following by posting notices at least ten days prior thereto, and at least one notice in each district affected, in three of the most public places in the territory which is consolidated: Provided, That the county commissioner of schools may if he deems advisable call such election at any time previous to the annual meeting. The electors at the election called by the county commissioner of schools shall have authority to do all those things that may now be done by the legal school electors at the first meeting of a school district except such as may be inconsistent with this act. At such election a board of education of five trustees for the rural agricultural school district shall be elected by ballot by the qualified school electors of such rural agricultural district, one trustee for one year, two for two years, and two for three years and annually thereafter a successor or successors to the member or members whose term of office shall expire. The term of office of trustee after the first election shall be three years. The qualifications for office holding shall be the same as those provided in the general school laws for members of the board of primary districts. Within ten days after his election each member shall file with the county commissioner of schools calling the election an acceptance of the office to which he has been elected, accompanied by an affidavit setting forth the fact of eligibility as prescribed in the general school laws. The county commissioner of schools shall file these affidavits and acceptances with the secretary of the board after the organization of the board and its election of a secretary. Thereafter the affidavits and acceptances of office shall be filed with the secretary of the board. The board of education shall annually, and within fifteen days after the annual meeting, or within fifteen days

Provido.

District election, when held.

Provido.

Trustees elected.

Term of office.

Affidavit, etc., members to file.

President, etc., election of.

- after the organization under this act, elect from its own number a president, a secretary and a treasurer, and for cause may remove the same from such offices and may appoint others of their number in such places, and these officers shall perform the duties prescribed by the general school law for the moderator, director, and treasurer of the district, except as is inconsistent with the provisions of the graded school act and with the provisions of this act. The board of education shall have power to fill any vacancy that may occur in its number until the next annual meeting, and if three vacancies occur at the same time a special meeting of the district shall be called by the county school commissioner of the county in which the schoolhouse is located to elect members of the board to fill such places. Within thirty days after his appointment, the treasurer of the board shall file with the secretary an official bond in such an amount and form as may be determined by said board. Said bond may be either personal or of some surety company authorized to do business in this state, and it shall be given for a sum not less than the greatest amount of money that the treasurer may have in his possession or under his control at any time during his term of office, as near as the same can be determined. When a personal bond is given it shall be signed by not less than two sureties, each of whom shall justify under oath to the full amount of the bond. If a surety bond is required and purchased, it shall be at the expense of the district. Whenever, in any case, the board of education shall fail or neglect to elect the officers of the board named in this section within fifteen days next after the annual meeting, or after the organization of the district, the township board of the township within which the schoolhouse of said district is located shall appoint the said officers from the members of the board. The board of education shall have authority to designate such site or sites as it may deem necessary to carry out the provisions of this act. The county commissioner of schools of the county in which the schoolhouse of a rural agricultural school is located shall have authority to number said districts, and upon the request of the board of education of said district he may give such district a name.
- Am. Id.
- (563) SEC. 5. Within ten days after the organization of the board of education provided for in section four the funds and property of each school district shall be turned over to the board of education of such consolidated district.
- Am. 1919, Act 81.
- (564) SEC. 6. Any school district formed under the provisions of this act in township school districts shall be subject to all the provisions of the act under which said township school district is organized, not inconsistent with the pro-
- Vacancy, how filled.
- Bond of treasurer.
- Personal bond.
- Sites, board may designate.
- Number, etc.
- Disposition of funds.
- School district subject to certain provisions.

visions of this act. All other rural agricultural schools organized under the provisions of this act shall have the powers and privileges conferred upon graded school districts by the laws of this state, all the general provisions of which relating to primary schools shall apply and be in force in said district except such as shall be inconsistent with the provisions of this act.

Other rural agricultural schools, powers of, etc.

Am. Id.

(565) SEC. 7. Rural agricultural school buildings shall be community centers and be available to residents of the district or township for meetings after school hours or when school is not in session, and the board of education shall grant the use thereof providing such meetings are not held for political or religious purposes. A janitor shall be engaged for the entire year to care for buildings and grounds during school hours and when public meetings are held.

School buildings, use of, for meetings.

(566) SEC. 8. Plans for rural agricultural school buildings shall be approved by the superintendent of public instruction. They shall be properly heated and ventilated, have an ample water supply, toilets with proper sewerage, a library and suitable equipment and apparatus for the teaching of agriculture, manual training and home economics.

Plans, approval of.

Am. 1921, Act 97.

(567) SEC. 9. The board of education shall provide a sufficient number of vehicles for the transportation of pupils from and to their homes and shall designate the routes over which such vehicles are to travel: Provided, That the school board shall not be compelled to transport pupils who live within one mile of the consolidated schoolhouse. Such vehicles shall be of ample capacity, shall be enclosed to keep out the rain or snow and be provided with robes and foot warmers during cold weather. In case less than six pupils reside on or near any one route, such pupils may be boarded by consent of the parent or guardian at some convenient place if the cost is less than the cost of transportation: Provided, That the superintendent of public instruction shall have authority upon investigation by himself or some one designated by him, to review, confirm, set aside, or amend the action, order, or decision of the board of education with reference to the routes over which pupils shall be transported, the distance they shall be required to walk, the boarding of the pupils, and the suitability and number of the vehicles and equipment for the transportation of the pupils. Whenever ten or more qualified school electors of any rural agricultural district shall feel themselves aggrieved by any action, order, or decision of the board of education with reference to the transportation or boarding of pupils, to the location of any site or the granting of permission to alter the boundaries of said district as provided in section five thousand seven hundred thirty-seven of

Transportation of pupils.

Proviso.

Proviso.

Appeal from action, etc., of board.

Hearing.

the compiled laws of nineteen hundred fifteen, as amended, they may at any time within ninety days from such action, order or decision of said board of education appeal to the superintendent of public instruction, and notice of such appeal shall be filed with the secretary of said board of education. The superintendent of public instruction, upon the receipt of such appeal, shall have the power to entertain such appeal. Said superintendent of public instruction may visit the locality, or appoint some one to visit it, and he or his appointee may give a hearing at some place within the county where the schoolhouse of such district is located. After such investigation, the superintendent of public instruction shall have authority to review, confirm, set aside, or amend such action, order, or decision of said board of education. His decision in the matter named in this proviso shall be final.

Am. Id.

Teachers in home economics, qualifications.

(568) SEC. 10. Teachers in home economics shall have teachers' certificates and be graduates of, or have taken a sufficient course in college or normal school, where science in home economics is taught, and be qualified to teach home economics as determined by such tests as may be required by the superintendent of public instruction.

Am. 1919, Act 81.

Agricultural, etc., teachers, qualifications.

(569) SEC. 11. Teachers of agriculture and teachers of manual training in rural agricultural schools shall, in addition to the regular teachers' certificate, hold a certificate or diploma from a university, college, or state normal school and be qualified to teach agriculture or manual training as determined by such tests as may be required by the superintendent of public instruction.

Am. Id.

Principal, etc., qualifications of.

(570) SEC. 12. The principal or superintendent provided in section two of this act shall be the holder of at least a state life certificate or a state normal school diploma or shall have educational qualifications equivalent thereto. Said principal or superintendent shall have all the powers and duties conferred upon the superintendent of schools in section three of the graded school act, except in township unit districts employing a superintendent of schools.

Am. 1919, Act 81; 1921, Act 97.

Class (b).

(571) SEC. 13. The principal in class (b) shall hold a teacher's life certificate and have not less than two years' successful experience in other schools. He shall have practical experience in farm work and be either a graduate from any state agricultural college or a state normal school having a course in agriculture or have a certificate from such college or normal school showing that he has taken a course of not less than two years in such college or normal school

and is qualified to teach agriculture and manual training. During the two months when school is not in session, he shall supervise boys' and girls' club work as carried on by the United States department of agriculture in co-operation with the Michigan agricultural college; he shall assist in supervising farm demonstrations which may be carried on in his district and he shall give such assistance and advice as may be required by farmers in such districts.

(572) SEC. 14. As state aid to assist in the maintenance of rural agricultural schools, each of such schools shall be entitled to receive four hundred dollars a year for each vehicle used for the transportation of pupils. In addition thereto such schools shall be entitled to receive the sum of one thousand dollars a year.

State aid for transporting children.

Am. 1921, Act 97.

(573) SEC. 15. Whenever rural agricultural schools are built and equipped and qualified teachers are engaged as specified in this act, the president and secretary of the board of education having control of such schools, shall notify the superintendent of public instruction, specifying the location of said schools, the number of rooms contained therein and the equipment thereof, the number of acres of land connected therewith and in possession of the township or consolidated district, the number of teachers engaged and their respective qualifications, the number of school months for which said teachers and principal have been engaged, the barns and kinds of livestock, if any, and the number of vehicles engaged for the transportation of pupils.

Notice given when schools established.

(574) SEC. 16. Within thirty days after receiving the notice mentioned in section fifteen, the superintendent of public instruction shall satisfy himself that such rural agricultural school has been erected and equipped as provided for in this act. If unable to inspect said school, he shall request such inspection to be made within said thirty days by the commissioner of schools of the county in which said rural agricultural school is located, and he shall thereupon send to the auditor general a copy of the aforesaid notice with his endorsement, showing that said rural agricultural school has been built and equipped as provided for in this act, and that such township or consolidated district is entitled to receive the state aid specified and as mentioned in section fourteen of this act.

Inspection, etc.

Am. 1921, Act 97.

(575) SEC. 17. The annual amount which any rural agricultural school may be entitled to shall be paid yearly on or before June thirtieth to the treasurer of the board of education of the district or township in which said rural agricultural school is located.

Annual amount, when paid.

Am. Id.

Tax clause.

(576) SEC. 18. The auditor general shall incorporate in the state tax for the year nineteen hundred twenty-one, and each year thereafter such sum or sums as the legislature of the state of Michigan shall appropriate, which sums, when collected, shall be used for the purpose of carrying out the provisions of this act.

Am. Id.

Report to legislature, what to contain.

(577) SEC. 19. The superintendent of public instruction shall hereafter send to the legislature a statement showing the number and location of rural agricultural schools receiving state aid, the total amount of such state aid and the number and location of rural agricultural schools applying for and not yet receiving such state aid.

Am. Id.

Rural district, what to include.

(578) SEC. 20. Rural school district as used in this act shall include any primary or graded school district that does not contain within its limits an incorporated village or city having a population exceeding two thousand: Provided, That rural schools, as defined in this act, adjacent to any city or village having a population of more than two thousand may consolidate by petition signed by a majority of the legal school electors under the provisions of this act with such city or village, and such consolidated school resulting therefrom shall be governed by the provisions of this act including the transportation of pupils and the teaching of agriculture, manual training and home economics, but it shall not be entitled to state aid as provided herein.

Proviso, consolidation.

Added 1919, Act 81; Am. 1921, Act 97.

An Act to promote the agricultural interests of the various counties of this state and to repeal act number three of the public acts of nineteen hundred twelve, second extra session, and act number sixty-seven of the public acts of nineteen hundred thirteen.

[Act 315, P. A. 1919.]

The People of the State of Michigan enact:

Authority to cooperate.

(579) SECTION 1. In order to promote the agricultural interests of the various counties of this state and to provide for agricultural extension work, each county of the state through its board of supervisors is hereby authorized and empowered to cooperate to said end with the Michigan agricultural college and with any department or bureau of the United States government; and may enter into agreements with reference thereto. The board of supervisors in any county may appropriate money, or raise money by taxation, for the purpose hereof, and may establish a farm bureau to act as the representative of the board and of the county in all

May tax.

such cooperative work. Subject to the approval of the state board of agriculture or of the proper representatives thereof, the board may appoint a county agricultural agent and necessary assistants, whose duty it shall be to aid in carrying out the purpose of this act. The compensation and expenses of any person so employed, or such portion thereof as shall under the terms of any agreement between the county and the Michigan agricultural college or any department or bureau of the federal government, be payable by the county, shall be fixed and provided for by the board.

County agricultural agent.

Sec. 2 repeals act number three of the public acts of nineteen hundred twelve, second extra session, entitled "An act to authorize the board of supervisors of each county to appropriate or raise money by tax for the encouragement of improved methods of farm management and practical instruction and demonstration in agriculture," and act number sixty-seven of the public acts of nineteen hundred thirteen, entitled "An act to authorize and regulate a county agricultural department."

Sec. 3 declares this act to be immediately necessary for the public peace, health and safety.

An Act giving the assent of the legislature of the state of Michigan to the grant of moneys from the United States by act of congress approved May eight, nineteen hundred fourteen, entitled "An act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July two, eighteen hundred sixty-two, and of acts supplementary thereto, and the United States department of agriculture," and designating the officer to whom the payments are to be made.

[Act 65, P. A. 1915.]

The People of the State of Michigan enact:

(580) § 1272. SECTION 1. The legislative assent required by section three of an act of congress, approved May eight, nineteen hundred fourteen, being an act entitled "An act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July two, eighteen hundred sixty-two, and of acts supplementary thereto, and the United States department of agriculture," is hereby granted, and the moneys thereby given are accepted under the terms and conditions expressed in the act of congress aforesaid.

Legislative assent given.

(581) § 1273. SEC. 2. The moneys derived by authority of said act shall be exclusively used in support of co-operative agricultural extension work, to be carried on by Michigan agricultural college, and the secretary of the state board of agriculture is hereby designated as the officer to whom such funds should be paid.

Moneys, how used.

To whom paid.

An Act to accept the requirements and benefits of an act of the sixty-fourth congress of the United States, approved February twenty-three, nineteen hundred seventeen, known as the Smith-Hughes act, or public act number three hundred forty-seven, relating to appropriations to be made by the federal government to the several states for the support and control of instruction in agriculture, the trades, industries, and home economics, and for the preparation of teachers of vocational subjects; to designate a state board of control for vocational education; to provide for the proper custody and administration of funds received by the state from such appropriations; and to provide for appropriations by the state and by local school authorities to meet the conditions of said act of congress.

[Act 149, P. A. 1919.]

The People of the State of Michigan enact:

Provisions
accepted.

(582) SECTION 1. The provisions of an act of congress enacted by the sixty-fourth congress in the second session thereof known as public act number three hundred forty-seven, 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 expenditure," are hereby accepted by the state of Michigan as follows:

Items.

(a) Appropriations for the salaries of teachers, supervisors and directors of agricultural subjects;

(b) Appropriations for the salaries of teachers of trade, home economics, and industrial subjects;

(c) Appropriations for the preparation of teachers of agricultural, trade, industrial and home economics subjects.

Benefits, etc.,
accepted.

(583) SEC. 2. The benefits of all funds appropriated by the federal government under the provisions of said act are hereby accepted as provided in said act, and provision is herein made under which the state of Michigan will meet such appropriations and provisions.

Board
created.

(584) SEC. 3. The superintendent of public instruction, the president of the state board of education, the president of the university of Michigan, and the president of the Michigan agricultural college are hereby constituted as the state board of control for vocational education as provided in the aforesaid act. The state superintendent of public instruction shall be the executive officer of the state board of control, and he shall, with the approval of said board, provide for the administration of the provisions of this act. Said board 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 state board of control for vocational education is hereby authorized to incur such expenditures for office administration, traveling and other incidental expenses as it may deem necessary to the proper administration of the funds

Executive
officer.

Expenses.

allotted to the state of Michigan under the provisions of said act.

(585) SEC. 4. The state treasurer is hereby appointed as custodian of all funds for vocational education as provided in said act and in this act, and is charged with the duty and responsibility of receiving and providing for the proper custody, and for the proper disbursements of such moneys on requisition of the said board of control for vocational education. The state treasurer as custodian of such funds for vocational education shall make an annual report to the governor and the legislature concerning the receipts and disbursements of such moneys received by him under the provisions of said act and of this act.

Custody of funds.

Report of state treasurer.

(586) SEC. 5. The board of education or board of control of any approved public school, department, part time or evening class giving instruction in agricultural, industrial or home economics subjects, which receive the benefit of federal and state moneys as herein provided, shall provide suitable buildings and equipment in order to give such instruction; and shall also appropriate for the salaries of instructors a sum of money sufficient to cover the expense for instruction during the year. At the end of the fiscal year the state board of control for vocational education shall apportion to the several boards of education, or boards of control of schools maintaining approved departments for vocational education as herein described, the state and federal funds by way of reimbursements for expenditures for instruction, giving to each school its proportionate share: Provided, That no school shall receive a larger amount than three-fourths of the sum which has been expended for the particular type of education for which it received state and federal funds. The institutions authorized to give training for vocational teachers shall provide suitable rooms and equipment, and appropriate sufficient funds to pay instructors and supervisors during the year, and at the end of the year such institutions shall be reimbursed from federal and state funds, equally. There is hereby authorized to be appropriated and paid from the state treasury to the several schools giving vocational instruction under the provisions of this act, and for their supervision, a sum of money equal to one-half the federal allotment; and there is hereby further authorized to be apportioned and paid from the state treasury to the several institutions engaged in the training of teachers of vocational subjects a sum equal to the allotment of federal moneys as provided in said act.

Buildings and equipment.

Expense for instruction.

Apportionment of funds.

Proviso, maximum.

Institutions to provide rooms, etc.

Amount, state to pay

(587) SEC. 6. The state board of control for vocational education shall formulate such rules and regulations as may be necessary for the development and operation of such vocational schools, and for the training of teachers as are provided for in said act, subject to the approval of the federal board of control. All disbursements of state and federal money under the provisions of this act shall be made annu-

Rules and regulations.

Disbursements, annual.

Annual report.

ally on or before the tenth day of July in each year. The board of education or board of control of any school where vocational instruction is given under the provisions of this act; also boards of control of institutions giving vocational teacher training, as herein provided, shall make an annual report to the state superintendent of public instruction at such time and in such form as he may require.

Inspection of work.

(588) SEC. 7. The state board of control for vocational education shall provide for the proper inspection of the work in the schools and institutions which operate under the provisions of this act. And upon the approval of the work done and the receipt of satisfactory reports from each school or institution, the said state superintendent of public instruction shall certify to the auditor general the amount of such state and federal moneys due to each board of education, or board of control of any school maintaining a vocational school or department, and to the board of control of each institution engaged in the training of teachers of vocational subjects according to the provisions of this act. The auditor general shall, upon such certificate of the superintendent of public instruction, draw his warrant upon the state treasurer for the amount of said moneys due to each school district or institution and payable to the treasurer of such board of education or of the board of control of such institution, and the said amounts shall be forwarded to said treasurers.

Certification of amounts due.

How paid.

Estimate furnished auditor general.

(589) SEC. 8. It shall be the duty of the state board of control for vocational education to estimate the amount of money which should be appropriated by the state to meet federal allotments during each succeeding biennial period, and when the state board of control shall have estimated the amount of money necessary to meet the federal appropriations, they shall report said estimate to the auditor general, who shall include the said amount of money in the state tax levy for each year as reported to the state legislature.

Annual examination of records, etc.

(590) SEC. 9. At the close of each fiscal year the state board of control for vocational education shall examine the records and reports from all schools giving vocational instruction, and from institutions engaged in the training of vocational teachers; and shall apportion funds from the federal government and from the state treasury in accordance with plans approved by the federal board of control, and in accordance with the provisions of this act, and of the said federal act.

Annual report to governor, etc.

(591) SEC. 10. The state board of control for vocational education shall make an annual report to the governor and to the legislature in regard to the administration of this act, and of the federal act herein mentioned, and said report shall contain an explicit statement of the expenditures of all moneys, both federal and state, for the purposes mentioned in this act.

Sec. 11 repeals all acts and parts of acts contravening the provisions of this act.

VOCATIONAL, ETC., EDUCATION FOR CERTAIN MINORS.

An Act to provide for the vocational, agricultural and general education of employed and other minors under seventeen years of age who have ceased to attend all-day schools. (a)

[Act 421, P. A. 1919.]

The People of the State of Michigan enact:

(592) SECTION 1. On and after the first day of September, nineteen hundred twenty, every school district having a population of five thousand or more and containing fifty or more children subject to the provisions of this act, shall, and any other school district may, through its board of education, establish and maintain part-time vocational, agricultural or general continuation schools or course of instruction for the education of minors under seventeen years of age who have ceased to attend all-day schools. Said schools or courses of instruction shall be in session at least as many weeks in each year as the common schools of such district. When a school district shall have established said schools or courses it shall require the attendance thereof of every unmarried minor under seventeen years of age residing or employed within the confines of said school district, who has ceased to attend all-day school and who has not completed two years of a four year high school course or its equivalent: Part-time vocational schools, etc. Provided, That said minors may be excused from the provisions of this section by the superintendent of schools in case they are physically unable to attend school or would by reason of part-time school attendance be deprived of wages essential to their support or that of their family: Who required to attend. Provided further, That the provisions of this act shall not apply to minors who shall have reached the age of sixteen years prior to September one, nineteen hundred twenty. The required attendance provided for in this act shall be at the rate of not less than eight hours per week, four hours of which may consist of supervised instruction given under working conditions provided such instruction meets the approval of the superintendent of schools and the state board of control for vocational education. It shall be the duty of the local school board to determine the hours of session of part-time schools established under this act as shall best suit local conditions and school administration. In the establishment and conduct of such part-time vocational, agricultural and general continuation schools or courses of instruction, any school district shall take advantage of any established educational agencies, or utilize adequate and suitable quarters now existing: Proviso, who excused. Provided, however, That said schools or courses shall be within reasonable access to the place of employment and, Further proviso, minors. Quarters, etc., may utilize. Proviso, accessibility.

(a) Title am. 1924, (1st ex. sess.), Act 15.

wherever established, shall be considered a part of the public school system of the district wherein the minors attending the same are employed or reside.

Am. 1921, (1st ex. sess.), Act 15.

Minors employed, etc.

(593) SEC. 2. Minors sixteen years of age, leaving regular day schools to enter employment, and the employers of such minors shall be subject to the same requirements as permits to work as are provided by law for children under sixteen years of age and their employers: Provided, That permits for minors sixteen years of age and over shall not certify that the wages of the minor are essential to the support of the family.

Proviso.

Am. Id.

When employer to cease to employ minor.

(594) SEC. 3. The employer of any minor under seventeen years of age, who is required to attend part-time vocational, agricultural or general continuation school or courses of instruction as defined in this act, shall cease forthwith to employ such minor when notified in writing by the superintendent of schools, or his representative duly authorized in writing, having jurisdiction over such minor's attendance, of his non-attendance in accordance with the regulations as defined in this act. Any employer who fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten or more than one hundred dollars or by imprisonment for not less than ten or more than ninety days or by both such fine and imprisonment in the discretion of the court. The superintendent of schools having jurisdiction, or a person authorized by him in writing, may revoke the permit of any minor who fails to attend such school or courses of instruction when required by the provisions of this act.

Penalty.

Am. Id.

Attendance compelled.

(595) SEC. 4. Every parent, guardian, or other person in parental relation to any minor required under section one of this act to attend special part-time classes, shall be required to send such minor, child, or children to such part-time classes when established, and in case any parent, guardian, or other person in parental relation to such minor shall fail to comply with the provisions of this act, the truant officer of the district or city shall proceed to compel attendance of such minor, child, or children in the same manner as is provided for in the case of truants under the provisions of act number two hundred of the public acts of nineteen hundred five, as amended, and the penalties therein provided against parent and child shall apply.

Added 1921, (1st ex. sess.), Act 15.

DAY SCHOOLS FOR THE DEAF.

An Act authorizing school district boards, boards of trustees of graded schools and boards of education in cities to establish and maintain day schools for the deaf, and authorizing payment therefor from the general fund, and repealing act number one hundred seventy-six of the public acts of eighteen hundred ninety-nine and all other acts or parts of acts conflicting with the provisions of this act.

[Act 224, P. A. 1905.]

The People of the State of Michigan enact:

(596) § 5963. SECTION 1. That upon application by a school district board, board of trustees of a graded school, or board of education of any city of this state to the superintendent of public instruction, he shall grant permission to such board to establish and maintain, and such board shall thereupon be empowered to maintain within the limits of its jurisdiction one or more day schools having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three years, whose parents or guardians in the case of orphans are residents of the state of Michigan.

Day schools for deaf, when established, etc.

(597) § 5964. SEC. 2. Any board which shall maintain one or more day schools for the instruction of the deaf shall report to the superintendent of public instruction annually, and at such other times as he may direct, such facts concerning the school or schools as he may require.

Report to superintendent of public instruction.

(598) § 5965. SEC. 3. The board of education of the city or district where a day school for the deaf is established shall include in its annual budget a sufficient sum to maintain said school and out of said sum shall pay said teachers monthly. To reimburse said city or district for such expenditure the state treasurer is hereby authorized to pay to the treasurer of the proper school district, out of the general fund, on or before July twenty in each year, upon the warrant of the auditor general, the actual expense incurred for teachers' salaries and purchase of necessary school appliances by any school district in support of a day school for the deaf, which shall have been conducted in accordance with this act during nine months of the school year, as shown by vouchers filed with the auditor general and certified to be correct by the superintendent of public instruction: Provided, That the total amount paid on account of any one school district or city shall not exceed one hundred fifty dollars for each deaf pupil instructed in any such school during the school year, and a part of such sum proportionate to the time of instruction of any such pupil so instructed less than nine months during each year: And be it further provided, That the title for all school appliances purchased shall vest in the state and inventory thereof filed with the superintendent of public instruction July first of each year.

Annual budget.

State treasurer to reimburse district.

Proviso, as to amount.

Proviso, as to title.

Vouchers,
what to
to show, etc.

(599) § 5966. SEC. 4. The district board or board of education shall cause to be executed monthly, vouchers in triplicate upon forms prepared and furnished by the auditor general so as to show the rate of salary paid to instructors of the deaf and the time covered by such payment, also vouchers in triplicate upon forms prepared and furnished by the auditor general, showing the school appliances purchased and price for each article or series of articles. The treasurer of said school district is required to forward two copies of these receipted vouchers to the superintendent of public instruction within the first five days of the month succeeding the month covered by the payment. On or before the fifteenth of each month the superintendent of public instruction shall present one set thereof to the auditor general authorizing him to pay to the treasurer of the proper school district the amount covered by the certified vouchers presented.

To be for-
warded to
superintend-
ent of public
instruction.

Employment
of teachers,
etc.

(600) § 5967. SEC. 5. All teachers in such schools shall be appointed and employed as other public school teachers are appointed and employed. All persons appointed to teach in any such school shall have had special training for teaching, and shall be graduates of a training school for teachers of the deaf by the "oral" method, and shall also have had special training in the teaching of the deaf, including at least one year's experience as a teacher in a school for the deaf. The so-called "oral" system shall be taught by such teachers, and if after a fair trial of nine months, any of such children shall for any reason be unable to learn such oral method, then no further expense shall be incurred in the effort to teach such child, so unable to learn such oral method, in such primary schools.

"Oral"
system to be
taught.

Deaf, who
considered.

(601) § 5968. SEC. 6. For the purpose of this act, any person of sound mind, who, by reason of defective hearing, cannot profitably be educated in the public schools, as other children are, shall be considered deaf.

Sec. 7 repeals Act 170, P. A. 1899.

PAYMENT OF SUBCONTRACTORS.

An Act to insure the payment of subcontractors and wages earned and material used in constructing, repairing or ornamenting public buildings and public works.

[Act 187, P. A. 1905.]

The People of the State of Michigan enact:

Bond required
for payment
of subcon-
tractors.

(602) § 14827. SECTION 1. When public buildings or other public works are about to be built, repaired or ornamented under contract at the expense of the state, or of any county, city, village, township or school district thereof, it shall be the duty of the board of officers or agents, contract-

ing on behalf of the state, county, city, village, township or school district, to require sufficient security by bond for the payment by the contractor of all subcontractors and for the payment for all labor performed and materials furnished in the erection, repairing or ornamenting of such building or works.

People v. Traves, 188/347, 416; People v. Connell, 195/77.

(603) § 14828. SEC. 2. In the case of a subcontractor, he shall give notice in writing before payment is made for the work or materials furnished by him to the said board of officers or agents, that he is a subcontractor for the doing of some part of such work which he shall specify in his notice and that he relies upon the security of the bond by this act required to be given by the principal contractor, and that in the case of the giving of notice to the said board of officers or agents said subcontractor shall also notify the principal contractor that he has done so, and whenever this shall have been done, the said subcontractor shall be entitled, subject to the rights of the persons with whom he has contracted for labor and materials, to the benefit of the security given by the principal contractor, and to be subrogated to the liens of the persons who have performed labor or furnished materials for such building, repairs or ornamentation, whom he shall have actually paid, but the subcontractor and the persons who shall have performed labor or furnished materials to him shall not in the aggregate be entitled to receive larger sums than may be required from the principal contractor under his contract with the subcontractor, nor shall this act be construed to change in any way the contract which may have been made between the principal contractor and the subcontractor, except when such contract shall attempt to relieve the principal contractor as against the demands of those performing labor or furnishing materials to the subcontractor.

Subcontractors to give written notice.

When entitled to benefit of security, etc.

People v. Traves, 188/423.

One who takes a contract under the original contract, and is to perform in accordance with the original contract, is a subcontractor, and, in order to recover under the statutory bond, he must comply with the statute in giving the proper notice.—People v. Valley Mantel & Tile Co., 200/554.

(604) § 14829. SEC. 3. Such bond shall be executed by such contractor to the people of the state of Michigan in such amount and with such sureties as shall be approved by the board of officers or agents acting on behalf of the state, county, city, village, township, or school district as aforesaid, and shall be conditioned for the payment by such contractor to any subcontractor or by any such contractor or subcontractor as the same may become due and payable of all indebtedness which may arise from said contractor to a subcontractor or party performing labor or furnishing materials, or any subcontractor to any person, firm or corporation on account of any labor performed or materials furnished in the erection, repairing or ornamentation of such building, im-

Bond, to whom executed, sureties, by whom approved, etc.

Proviso.

provement or works: Provided, however, That the principal contractor shall not be required to make any payment to a subcontractor of sums due from the subcontractor to parties performing labor or furnishing materials, except upon the receipt or the written orders of such parties to pay the sums due to them to subcontractors. Such bond shall be deposited with and held by such board of officers or agents for the use of any party interested therein.

Sureties on a bond given for the benefit of laborers and materialmen cannot avoid liability by showing a failure of the municipal authorities to approve the bond.—*People v. Carroll*, 151/233. *People v. Traves*, 188/416.

Recovery to be had on bond.

(605) § 14830. SEC. 4. Such bond may be prosecuted and a recovery had by any person, firm or corporation to whom any money shall be due and payable on account of having performed any labor or furnished any materials in the erection, repairing or ornamentation of any such building or works, in the name of the people of this state for the use and benefit of such person, firm or corporation: Provided, however, That in the case of a suit for the benefit of a subcontractor, he shall be required to allege and prove that he has paid to all parties entitled thereto the full sums due to them for labor or materials contracted for by him: And provided further, That in no case brought under the provisions of this act shall the people of this state be liable for costs.

Proviso.

Further proviso.

People v. Traves, 188/426.

CITIES OF FOURTH CLASS.

An Act to provide for the incorporation of cities of the fourth class.

[Extracts from Act 215, P. A. 1895, Chap. XXXII.]

Single school district.

(606) § 3262. SECTION 1. Each city incorporated under this act shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "public schools of the city of....." (naming the city) and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this chapter: Provided, That if in any village reincorporated as a city or any city reincorporated under and made subject to the provisions of this act, there shall be a school district extending beyond the city limits, or having a special charter, then such school district not to be governed by the provisions of this chapter, but all the laws and regulations now governing such district shall remain in full force and effect the same as if such city or village had not been

Powers of.

Proviso, reincorporated cities and villages.

incorporated: Provided, That in school districts extending beyond the city limits or having a special charter, the secretary of such school district shall certify to the various supervisors of said city and townships the proportionate amount of school taxes to be assessed against property in the various wards and townships, according to the assessed valuation hereof, and the same shall be levied, collected and returned in the same manner as is provided for the levy, collection and return of school taxes in the remainder of said district lying without the limits of said city.

Proviso, special charter.

Am. 1919, Act 68.

Act 279 of 1906, sec. 4, as amended, (§ 3307, C. L. 1915) known as the Home Rule" act, in paragraph (f), providing "for the establishment of any department" deemed "necessary for the general welfare of the city," expressly excepts "public schools."

A municipal corporation may receive and hold personal property in trust or educational purposes.—Hatheway v. Sackett, 32/97. Also for library purposes.—Maynard v. Woodard, 36/423.

Exercise of the veto power by the president of the Bay City school board.—Michtig v. Saginaw Circuit Judge, 180/667.

(607) § 3262. SEC. 2. The board of education of such public schools shall consist of six trustees, who shall be qualified electors of the school district, and the regular annual election of school trustees shall be held on the second Monday of July of each year. At the first election held under this act two trustees shall be elected for the term of one year, two for the term of two years, and two for the term of three years from the second Monday of July of such year, and the term for which each trustee is elected shall be designated on the ballot cast for him. Annually thereafter two trustees shall be elected for a term of three years from and after the second Monday of July of the year when elected and until their successors are qualified and enter upon the duties of their offices.

Board of education, of whom to consist.

Annual election.

Term of office.

(608) § 3264. SEC. 3. Such annual election of school trustees as above provided shall be held at such places, not exceeding five, in each city as the board of education shall designate. In the designation of such places it shall be the duty of said board to choose places most convenient for the accommodation of the voters: Provided, That there shall be not more than one polling place in any one ward. The polls shall be open at nine o'clock in the forenoon and shall continue open, without intermission or adjournment, until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot and, except as herein otherwise directed, shall be conducted in all respects, including the manner of selecting candidates, the placing of names of candidates upon the ballots, the printing of the ballots, erection of booths, etc., in the manner and in conformity with the provisions of law governing in the case of annual township elections. All the penalties of the general election law relative to neglect of duty or violation of the terms of this act shall be applicable. The members of the said school board shall be governed by the same restrictions and shall perform similar duties to those prescribed

School trustees, election of.

Proviso, polls.

Election, how conducted, etc.

Penalties.

Notice of election.

for the township board at annual township meetings. Notice of the time and places of holding such elections shall be given by the secretary of the board not less than fifteen days before the said election by placing such notices in three of the most public places in each ward of the city, and by publishing a copy thereof in one or more newspapers published in the city for the same length of time before the election. On or before the twentieth day of June in each year the board of education shall appoint three election commissioners.

Nominations.

All nominations for the office of trustee shall be made by petition signed by at least twenty-five qualified electors of said district. All nomination petitions shall be filed by the respective candidates with said election commissioners at least five days before the election. The said election commissioners shall, after the time during which nomination petitions may be filed has elapsed, proceed to determine by lot the place which each candidate shall have upon the official ballot; and thereupon said commissioners shall cause to be printed ballots in the same manner and form as near as may be as now used in the election of city officers. They shall deliver said ballots when printed to the secretary of the board of education the day preceding the day of election. Nothing contained herein, however, shall be construed so as to prevent any elector from voting for any person by pasting or writing the name of his candidate or candidates in pencil on his ballot.

Election commissioners, duty of.

Election inspectors.

(609) § 3265. SEC. 4. The board of education of such public schools shall choose one member of said board and also another qualified elector of said city to act as inspectors of election in each polling place, and the electors present at the opening of each polling place shall choose another qualified elector of said district and the three together shall constitute a board of inspectors for such election at such polling place: Provided, That no candidate for trustee shall act as inspector of election and if any of said trustees are so disqualified the board of education shall choose another qualified elector to act as such inspector of election, and if the persons so chosen as inspectors of election shall not be present at the opening of the polls or remain in attendance, the electors present may choose viva voce such number of electors present as shall constitute a board of three inspectors of such election, and if the two inspectors of election chosen by the board of education shall be present at the opening of the polls and remain in attendance the electors present shall choose one elector present who together with the two inspectors chosen by the board of education shall constitute a board of three inspectors of election for each polling place. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. Said board of inspectors of election in each polling place shall elect one

Proviso, vacancies.

Chairman.

of its number as chairman and one of its number as secretary of the board of inspectors. The qualifications of voters at such election or the school district meetings shall be such as are or may hereafter be prescribed by the general school law. The board of inspectors shall have the same authority and power in maintaining and enforcing order and obedience to its lawful commands at such elections and during the canvass of the votes as are conferred by the general laws of the state upon school officers in similar cases: Provided, ^{Proviso, polling places.} That electors shall cast their votes at the polling place in the ward in which they reside if there be a polling place in such ward, and if no polling place is provided or held in such ward then the board of education of the said city shall designate the polling places where the voters of such ward having no polling place shall vote, and in such event the board of education shall name in the notice of election the said polling places.

Am. 1917, Act 10.

(610) § 3266. SEC. 5. The board of inspectors of each ^{Inspectors, duty of.} polling place shall make a poll list of names of persons voting at such election in that polling place. It shall also have the last school census or a copy thereof present at such election, open for inspection by any citizen; it shall also have the right of access to the registration books of the several polling places of the city if it deem it necessary, and for that purpose it may require the city clerk to attend such election with such registers in the voting places designated by the board of education.

(611) § 3267. SEC. 6. When said polls shall be finally ^{Canvass.} closed the board of inspectors of the different polling places shall proceed publicly to count, determine and declare the number of votes cast and for whom, and shall on the same or on the next succeeding day make up and sign a statement in writing showing the whole number of votes cast and the number of votes cast for each person for whom votes were cast; such statement, together with the minutes and other papers of election, shall be filed with the secretary of the board of education. The inspectors of the several voting ^{Report to board.} places shall forthwith report in writing to the secretary of said board the number of votes cast and for whom, and the number of votes cast for each person, which shall be filed with the secretary of the board of education. The person or persons ^{Declaration of result.} who shall have received the highest number of votes for such office of trustee for the several terms designated upon the ballot shall be declared elected by the board of trustees without delay, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, the said board of trustees shall choose one of said persons by lot as such trustee. The ballots shall, when the ^{Ballots, disposal of.} vote shall have been declared, be returned to the boxes and

Oath of office. the boxes be locked and sealed and deposited with the secretary at the time of the filing of said statement. Each person so declared elected to the office of school trustee under the provisions of this act shall, within five days after he has been declared elected, qualify by taking and subscribing the required oath of office and filing the same with the secretary of the board of education.

SCHOOL SITES.

An Act authorizing the commissioner of the state land office to sell sites to school districts, churches and cemetery associations from lands held by the state as tax homestead lands.

[Act 223, P. A. 1909.]

The People of the State of Michigan enact:

Sites for schools, etc., commissioner may sell.

Application.

Proviso.

Further proviso, use.

(612) § 4167. SECTION 1. The commissioner of the state land office is hereby authorized to sell sites to school districts, churches and cemetery associations from any lands held by the state of Michigan as tax homestead lands, at such price as shall be fixed by the said commissioner. The application for the purchase of such sites shall be made by the proper officers of the school district, or the trustees of the church or cemetery association, upon blanks prepared and furnished by the said commissioner for that purpose: Provided, That the said commissioner shall not sell for any such purpose any land in excess of the amount which may be necessary for the use of any such school district, church or cemetery association: Provided further, That any land so sold shall be used solely for the above purposes, and when same ceases to be used for such purpose, it shall revert to the state of Michigan.

Act 270 of 1913 (§ 5667, C. L. 1915) abolished the office of commissioner of the state land office and transferred his duties to the public domain commission (department of conservation) and the superintendent of public instruction.

DESIGNATING SITES OUTSIDE OF DISTRICT.

An Act to designate school sites outside of the boundaries of school districts having a population of twenty thousand or over, and to provide funds for the purchase, improvement, and use of the same.

[Act 55, P. A. 1921.]

The People of the State of Michigan enact:

Sites outside of district.

(613) SECTION 1. The qualified school electors of any school district having a population of twenty thousand or

more, when lawfully assembled at an annual or special meeting, may designate outside of the boundaries of their school district by a majority vote of those present such number of sites as may be desired for schoolhouses and other school purposes, and may change the same by a similar vote at any annual or special meeting, or by the same vote may enlarge any existing site already acquired outside of the boundaries of the district. Whenever the question of designating a school site or sites, or of changing or enlarging said school site or sites is to be brought before a school meeting, the notice of said meeting shall state the intention to vote upon such question: Provided, That in any school district having a population of twenty thousand or over in which the board of education, by its special charter, is given authority to designate, procure, and purchase sites, the board of education shall have the same authority, rights, and duties in designating, procuring, purchasing, maintaining, improving, using, and any other authority, right, or duty relative to a site or sites or other school property that it would have if said site or property were within the boundaries of said district. Whenever a site or sites as herein provided shall be designated, determined, established or enlarged in the manner herein provided for, and the board of education of said district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or for the land to enlarge the same, or in case such board of education of such district shall by reason of any imperfection in the title to said site or land to be added thereto, arising either from a break in the chain of title, tax sale, mortgages, levies or any other cause, be unable to procure a perfect unencumbered title in fee simple to said site or land for the enlargement thereof, the board of education of said district shall have the authority to condemn the same as provided in sections five thousand seven hundred seventeen to five thousand seven hundred thirty of the compiled laws of nineteen hundred fifteen.

Notice of meeting.

Proviso.

When may condemn.

(614) SEC. 2. Whenever a site or sites has been designated as provided in this act the legal voters or the board of education of the district designating the site shall have the same authority to vote a tax relative to the purchase, improvement, and use of said site as they or it would have if said site were located within the boundaries of said district.

May vote tax.

Sec. 3 declares this act to be immediately necessary for the public peace, health and safety.

APPROVAL OF PLANS FOR SCHOOL BUILDINGS.

An Act to require plans for all school buildings and for additions to school buildings, the cost of which shall exceed three hundred dollars, to be approved by the superintendent of public instruction; to require that plans and specifications for the heating and ventilating of all schoolhouses be approved by the superintendent of public instruction before any heating system is installed in said buildings; to provide a penalty for the violation of any of the provisions contained in said act; and to authorize the condemnation of schoolhouses under certain conditions. (a)

[Act 17, P. A. 1915.]

The People of the State of Michigan enact:

Plans to be submitted to superintendent of public instruction.

(615) § 5874. SECTION 1. No schoolhouse shall hereafter be erected in any school district in this state, and no addition to a school building in any such district shall hereafter be erected, the cost of either of which shall exceed three hundred dollars, until the plans and specifications for the same shall have been submitted to the superintendent of public instruction and his approval indorsed thereon. Such plans and specifications shall be submitted in duplicate and shall show in detail the ventilation, heating and lighting: Provided, That the said superintendent of public instruction shall have authority to inspect such building or buildings during the process of construction in order to determine that the provisions of this act are being complied with.

Approval.

Proviso, inspection during construction.

Condemnation of schoolhouse.

(616) § 5875. SEC. 2. The superintendent of public instruction shall have authority to inspect and condemn schoolhouses. After an inspection of a schoolhouse, if in the judgment of the said superintendent of public instruction such building, or any part thereof, is not in a safe and sanitary condition, notice thereof shall be given to the district board or board of education of the district in which such building is located, said notice to be given at least six months preceding the first day of August. On the first day of August following such notice given, if said building has not been placed in a safe and sanitary condition by the district board or board of education, said superintendent of public instruction shall have authority to close such building, or a part thereof, and such building, or part thereof, shall not again be opened for public use until such building, or part thereof, shall have been placed in a safe and sanitary condition to the satisfaction of the said superintendent of public instruction: Provided, That after such building, or part thereof, has been closed for public use said superintendent of public instruction shall be authorized and he is hereby required to have such building, or part thereof, placed in a safe and sanitary condition at the expense of the district: Provided, That any district board or board of education, being dissatisfied with

Notice to board of education.

When superintendent may close buildings.

Proviso, placing in safe condition.

Proviso, vacation of order to close.

he order of the superintendent of public instruction determining such school-house to be in an unsafe or insanitary condition, may within thirty days of the issuance of such order and notice thereof, commence an action in the circuit court in chancery for the county in which such school-house is located, against the superintendent of public instruction as defendant, to vacate and set aside such order on the ground that said order is unlawful or unreasonable; in which suit the superintendent of public instruction shall be served with subpoena and a copy of the complaint.

(617) § 5876. SEC. 3. No tax voted by a district meeting, or other competent authority in any such school district, exceeding the sum of three hundred dollars for building purposes, shall be expended by the district board or board of education of such district until the superintendent of public instruction shall certify that the plans and specifications for the same comply with the provisions of this act. Tax not to be expended without certification of plans.

(618) SEC. 4. No heating system shall hereafter be installed in any schoolhouse in this state, nor shall any heating system be replaced by another heating system in any schoolhouse of this state, until the plans and specifications for the same shall have been submitted to the superintendent of public instruction and his approval endorsed thereon. The plans and specifications shall make provision for ventilation either as a part of or in connection with the heating system and shall be submitted in duplicate to the superintendent of public instruction. Plans and specifications submitted.
Ventilation.

Added 1919, Act 139.

(619) SEC. 5. It shall be unlawful for any officer, board, committee, architect, builder, civil engineer, plumber, carpenter, mason, contractor, subcontractor, foreman, or employe to vary from plans and specifications approved by the superintendent of public instruction without his written consent, or otherwise violate, or assist in violating any of the provisions contained in this act. Any person, board, firm, or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars or imprisonment in the county jail for a period of not to exceed thirty days, either or both in the discretion of the court. Unlawful to vary from approved plan, etc.
Penalty.

Added Id.

SCHOOL BONDS.

An Act to exempt from taxation bonds hereafter issued by any county, township, city, village or school district within the state of Michigan.

[Act 88, P. A. 1909.]

The People of the State of Michigan enact:

(620) § 4194. SECTION 1. All bonds hereafter issued by any county, township, city, village or school district within the state of Michigan pursuant to statute are hereby exempted from all taxation.

Sec. 2 repeals inconsistent acts.

Bonds, ex-
empt from
taxation.

An Act to prescribe and limit the power of school districts having a population of more than fifteen thousand and less than one hundred thousand to borrow money and issue bonds of such district therefor, and to repeal all acts and parts of acts inconsistent herewith.

[Act 150, P. A. 1915.]

The People of the State of Michigan enact:

(621) § 5865. SECTION 1. Any school district within the state of Michigan, whose population shall exceed fifteen thousand and be less than one hundred thousand, shall have power and authority to borrow money and issue bonds to an amount not greater in any one year than five per cent of the total assessed valuation of said district, nor to a total amount, including all outstanding bonded indebtedness of said district, exceeding eight per cent of the assessed valuation of said district, and at a rate of interest not to exceed that which may be paid on school bonds issued under the provisions of the general school laws, subject, however, to all provisions of law now or hereafter in force relative to the submission to the electors of such district of any or all questions relative to such borrowing of money and issuing of bonds therefor.

Am. 1919, Act 113; 1921, Act 45.

The issuance of bonds for school purposes by a city after the enactment of Act No. 150, P. A. 1915, transferring said authority from the city to the school authorities, was *ultra vires*, and a decree restraining such contemplated action was entered in the appellate court.—*MacQueen v. City Com. of Port Huron*, 194/330.

Sec. 2 repeals all acts or parts of acts, whether local or general, in anywise conflicting with the provisions of this act.

May borrow
money on
bonds.

Amount of
loan.

An Act to authorize school districts in cities having a population of more than two hundred fifty thousand and comprising a single school district to borrow money to make permanent improvements by the issue and sale of bonds.

[Act 226, P. A. 1919.]

The People of the State of Michigan enact:

(622) SECTION 1. Whenever the board of education of any school district in any city having a population of more than two hundred fifty thousand and comprising a single school district by resolution determines to purchase any buildings, or sites for buildings, playgrounds, athletic fields, or other lands which it is authorized to purchase; or to institute condemnation proceedings to acquire any buildings or sites for buildings, playgrounds, athletic fields, or other lands which it is authorized to acquire; or to erect or equip buildings which it is authorized to erect or equip; or to make any other permanent improvement which it is authorized to make, and the common council, city commission or other legislative body of the city in which said district is situated shall by resolution consent to and approve of the resolution by which said board of education so determines, said school district may, to purchase said buildings, sites or other lands, or to pay awards made in said condemnation proceedings, or to erect or equip said buildings, or to make any other said permanent improvement, borrow money by the issue and sale of bonds.

When certain school districts may issue bonds; purposes.

(623) SEC. 2. Definition. The words "a single school district" as herein used shall signify the principal or dominating district in any city in which there is a principal or dominating district and but parts of other districts in outlying sections, and shall signify also the school district in any city wherein the territorial limits of said district and the jurisdiction of its board of education are coterminous and coextensive with the territorial limits of said city.

"Single school district" defined.

(624) SEC. 3. Bonds issued and sold hereunder shall be designated General Public Improvement Bonds, School District of (here is to be inserted the name of the city in which said district is situated); they may be issued and sold on the faith and credit of said district for a fixed term of years, not exceeding thirty, payable at the end thereof or in serial form with pro rata apportionment of sums payable annually; to bear interest, payable semi-annually, at a rate not to exceed six per centum per annum; to be payable, both principal and interest, in gold coin of the United States of the standard of weight and fineness as of their date, or in lawful money of the United States; and in amounts, manner and form determined as herein provided.

Bonds, designation of.

How issued, etc.

(625) SEC. 4. The board of education of said district may from time to time by resolution determine to issue and sell bonds hereunder on the faith and credit of the district; in its

Resolution to issue.

said resolution said board shall determine the sum of the bonds to be then issued and sold, the term of years for or over which they shall run, and a maximum rate of interest, payable semi-annually, thereon. Said resolution shall be transmitted to the legislative body of the city in which the district is situated and said legislative body may consent to and approve of the contemplated issue and sale of said bonds if upon the issue and sale thereof the gross debt of said district will not be in excess of two per centum of the assessed value of all the real and personal property in said district; or may, at its option, submit the same to the electors of said district at any election, general or special; or may refuse to consent to and approve thereof, which refusal shall not preclude renewal of the project to issue and sell said bonds. If said legislative body consents to and approves of the contemplated issue and sale of said bonds or if a majority of said electors voting thereon approve the same and by the issue and sale thereof the gross debt of said district will not be in excess of two per centum of the assessed value of all the real and personal property in said district; or if three-fifths of the electors voting thereon approve the contemplated issue and sale of said bonds and by the issue and sale thereof the gross debt of said district will not be in excess of five per centum of the assessed value of all the real and personal property in said district, said legislative body shall by resolution determine the amounts of the several bonds which are to make up the sum of those to be issued and sold, the medium in which principal and interest will be payable, and where the same will be payable, and direct the controller or other like ministerial officer of said city to advertise, in manner and form and for a time by said legislative body prescribed, for sealed proposals to be by said ministerial officer received to a day and hour in said resolution fixed, or for open proposals to be received at an auction of said bonds to be conducted by said ministerial officer in the meeting place of said legislative body on a day and at an hour in said resolution fixed, proposals to be for said bonds at the greatest premium above par and the rate of interest in said resolution named, not greater than the maximum determined upon by said board of education, or at par and the lowest rate of interest named in the proposals, all proposals to indicate whether bonds are desired to be payable at the end of the term of years for or over which they are to run or in serial form with pro rata apportionment of amounts payable annually. Said legislative body may accept proposals or may reject them, and may direct said ministerial officer to further advertise for proposals.

(626) SEC. 5. Whenever said legislative body shall accept proposals for bonds it shall by resolution determine its acceptance thereof, authorize the sale of said bonds, determine the form of the bonds to be issued and sold, consistent with said acceptance, and direct said ministerial officer to prepare

Where transmitted.

When approved by electors.

Sale of bonds.

May reject, etc., proposals.

When proposals accepted.

the same as coupon bonds or, if the purchaser thereof, shall have so elected, as registered bonds. This resolution shall be transmitted to said board of education and if it be ratified by resolution of said board said ministerial officer shall so prepare said bonds.

(627) SEC. 6. Said bonds shall be signed by the president of said board of education and bear the seal of said school district; be dated, numbered and recorded as may be by law directed as to bonds of the city in which said district is situated; be countersigned by the mayor or other like executive officer of said city and by said ministerial officer thereof and be attested by the city clerk of said city; and be delivered to the treasurer of said school district who shall, upon the outside fold thereof, certify over his signature and official title that

Who to sign, etc., bonds.

“This bond has been issued and sold in compliance with law; has been duly entered in the books of this office; and the par value of same, and all premiums on sale, and interest accruing before delivery, have been paid into this office.”

Upon payment to him of the moneys payable under the accepted proposals therefor, with interest accrued to date of delivery, said treasurer shall deliver said bonds to those entitled thereto. Premiums and accrued interest shall be credited to the interest fund. Principal shall be used only for purposes for which said bonds were issued and sold, and shall be controlled and disbursed as is by law directed with reference to other funds of said district. Principal and interest shall be paid, and exchange of coupon bonds for registered bonds shall be made, as is by law directed with reference to like matters related to other bonds. No bonds shall be issued and sold hereunder at less than par, nor if disapproved on a referendum, but disapproval shall not preclude re-submission or renewal of project to issue and sell said bonds.

Delivery.

Premiums, etc., where credited.

No bonds at less than par.

(628) SEC. 7. In the annual budget of said board of education there shall be included and appropriated sums to be raised by taxation sufficient to pay interest on bonds issued and sold hereunder and to pay principal due on serial bonds at maturity; in said budget, to provide a sinking fund for the payment of bonds payable at the end of a fixed term of years, there shall be included and appropriated each year prior to the fiscal year in which said bonds mature at least a pro rata part of seventy-five per centum of the principal thereof, to be raised by taxation, and in the budget of the fiscal year in which said bonds mature there shall be included and appropriated amounts to be raised by taxation sufficient, with the amounts previously provided and the increment thereof, to pay said bonds at maturity.

Annual budget, what to include.

Sinking fund.

Provisions
construed.

(629) SEC. 8. The provisions hereof are supplemental to, and are not to repeal, other provisions of law under which bonds of said district are authorized to be issued and sold, but no bonds shall be issued and sold hereunder by authority of said board of education and legislative body, even though approved by a majority vote of the electors, which, with other bonds of the district, will make the gross debt of said district in excess of two per centum of the assessed value of all the real and personal property in the district. Bonds may, however, be issued and sold hereunder which, with other bonds of said district, will make said gross debt in excess of said two per centum, if approved by a three-fifths vote of the electors voting thereon at any election, general or special, but in no case shall bonds be issued and sold hereunder which with other bonds of the district will make said gross debt in excess of five per centum of said assessed value.

Maximum
gross debt.

Laws
applicable.

(630) SEC. 9. All provisions of law which require that the proceedings of said board of education or legislative body be submitted to the executive officer of said city and which regulate the procedure of said board or body on a veto of said proceedings shall apply concerning the issue and sale of bonds hereunder.

Participating
officers ex-
officio officers.

(631) SEC. 10. All officers of the city in which said district is situated, herein given participation in matters relating to the issue and sale of bonds hereunder, and those upon whom participation therein would devolve under revision or amendment of any special or local act, are for the purposes hereof made ex-officio officers of said district.

An Act to provide for a sinking fund in certain school districts and the investment thereof and to authorize the levy of taxes to pay principal and interest of bonds issued under the provisions of act number one hundred fifty of the public acts of nineteen hundred fifteen, entitled "An act to prescribe and limit the power of school districts having a population of more than fifteen thousand and less than one hundred thousand to borrow money and issue bonds of such district therefor, and to repeal all acts and parts of acts inconsistent herewith," approved May seven, nineteen hundred fifteen, and to repeal all acts and parts of acts inconsistent herewith. (a)

[Act 266, P. A. 1917.]

The People of the State of Michigan enact:

Bond issue.

(632) SECTION 1. The board of education or other legislative body of any school district which shall have heretofore issued or shall hereafter issue bonds under the provisions of act number one hundred fifty of the public acts of nineteen hundred fifteen, entitled "An act to prescribe and limit the

power of school districts having a population of more than fifteen thousand and less than one hundred thousand to borrow money and issue bonds of such district therefor, and to repeal all acts and parts of acts inconsistent herewith," approved May seven, nineteen hundred fifteen, shall provide annually for the levy and collection of a direct tax upon all the taxable property in such school district sufficient to pay the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity.

Tax to pay interest and principal on.

Sec. 2 repeals all acts or parts of acts, whether local or general, in anywise conflicting with the provisions of this act.

(633) SEC. 3. All sums of money raised by tax or otherwise received by any school district for the purpose of paying and discharging the principal of the bonded indebtedness of said school district, or any part thereof, shall be placed and kept in a separate fund known as the "sinking fund."

Sinking fund.

Added 1921, Act 20.

(634) SEC. 4. The treasurer of said board or district shall have the custody of all moneys, securities and other evidences of value belonging or pertaining to the sinking fund and shall pay out the moneys of said fund, or transfer the securities or evidences of value therein, only upon the order of a majority of the school board or board of education, and upon a written order of the president and secretary of said board.

Moneys, etc., custody of.

Added Id.

(635) SEC. 5. The school board or board of education of any school district having funds in its sinking fund may from time to time, upon the best terms it can make, purchase or pay the outstanding debt of said school district, or such part thereof as it may be able to purchase or pay, until the same be fully purchased or paid. All bonds and evidences of debts thus purchased or paid shall be delivered to the treasurer, shall belong to the sinking fund, and the interest thereon shall be credited and belong to such fund. The treasurer shall endorse upon the back of all bonds so purchased by said school board or board of education the following: "Registered bonds, not transferable without the written consent of the president, secretary and treasurer endorsed hereon." Whenever the said school board or board of education cannot arrange for the purchasing or paying of such debt or any part thereof, it may temporarily and until it can so arrange, invest the moneys belonging to said sinking fund in interest-bearing securities and may from time to time as it deems advisable, sell such securities, and re-invest the proceeds as herein provided: Provided, however, That the moneys belonging to said sinking fund shall be invested only in public improvement, municipal, state and government bonds.

Debts, payment of.

Bonds, etc., where credited, etc.

Endorsement.

Proviso, how invested.

Added Id.

Treasurer
to keep
record, etc.

(636) SEC. 6. The treasurer of such school district shall keep a record in a proper book provided for that purpose of the moneys and securities on hand in said sinking fund and of the transactions relating thereto, and shall from time to time and whenever requested by said school board, or board of education, make a complete report concerning the same; and the proper officers of said school district shall make such reports concerning the transactions relating to said sinking fund as may be required by the superintendent of public instruction, or other authority, in connection with the handling of the funds of said school district.

Added Id.

VOTING, ETC., SCHOOL TAXES IN CERTAIN CITIES.

An Act relative to voting, assessing and collecting school taxes in city school districts, and to provide for the collection of school taxes with the city taxes therein.

[Act 337, P. A. 1919.]

The People of the State of Michigan enact:

School meet-
ing to vote
taxes in cer-
tain cities.

(637) SECTION 1. In any school district composed entirely of territory situated in any city or cities in this state, having a population not exceeding sixty thousand inhabitants according to the last regular government census, a meeting of the qualified electors of said district shall be held upon the fourth Monday of April of each year, for the purpose of voting and determining such school taxes for the ensuing school year as are required by law to be voted and determined by the electors of the school district. Notice of the day, hour, place and purpose of said meeting of electors shall be given by the secretary of the board of education, by posting notice thereof in at least twelve public places in said district, at least ten days before said meeting, and by publication in one or more of the city papers, if any, in said district, at least six times within ten days next preceding said meeting. If no daily paper is published in the district, the notice shall be published at least once in a weekly newspaper published therein.

Notice.

Notice of
taxes voted
given to
city clerk.

(638) SEC. 2. The board of education of said school district shall, between the fourth Monday in April and the second Monday in May in each year, make out and deliver to the city clerk of each city in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

(639) SEC. 3. On or before the fourth Monday in May in each year, the clerk of each city in which any part of said school district is situated shall deliver to the assessing officer or officers of his city, a certified copy of all statements on file in his office of moneys authorized to be raised by taxation in said school district for school purposes. Said school taxes shall be assessed upon the taxable property of said school district upon the next succeeding assessment roll of said city or cities, and the same proceedings shall be taken for the collection thereof as for the collection of city taxes in said city or cities: Provided, however, That taxes already assessed and in process of collection at the time this act shall take effect shall be collected, and proceedings taken in regard thereto, as provided by the laws relating thereto at the time this act takes effect.

Assessor furnished certified copy, etc.

Proviso, taxes already assessed.

(640) SEC. 4. In all proceedings in relation to the assessment, spreading and collection of taxes for school purposes in said district, and in relation to the receipt and disbursement of all moneys belonging to said school district, the city assessing officer or officers, city clerk and city treasurer of the city or cities in which said district is situated, shall have like powers and duties as are prescribed by the laws of this state for township supervisors, township clerks and township treasurers, respectively, except as in this act otherwise provided.

Powers of clerk, etc.

(641) SEC. 5. Except as provided otherwise in this act, the provisions of the general school laws of this state and any local act in force in such district relative to voting, assessing and collecting school taxes, shall continue and be in full force and effect.

General law to govern.

(642) SEC. 6. This act shall not be in force and take effect in any school district until a majority of the voters voting on such proposition shall vote in favor of the same. Such proposition may be submitted to the voters of any school district at such time or times as the board of education of such district shall determine, and when submitted, the ballot for voting thereon shall be in substantially the following form:

Referendum.

Form of ballot.

Shall this school district adopt act number.....of the public acts of nineteen hundred nineteen, being "An Act relative to voting, assessing and collecting school taxes in city school districts, and to provide for the collection of school taxes with city taxes therein?"

Yes ().
 No ().

Whenever, upon a canvass of the vote upon the said proposition, it shall be determined that a majority of the voters voting upon such proposition have voted in favor of the same, the secretary of the board of education shall make certificates of such determination under the corporate seal of the district, one of which he shall file in the office of the county clerk of the county, one in the office of the clerk of the city or

Certificate of determination.

When
effective.

Resubmission
of question.

cities in which such district is situated, and another shall be filed in his own office. This act shall be in effect in said district on and after the filing of said certificates as aforesaid.

(643) SEC. 7. If any school district has elected to come under the provisions of this act, such district may at any time after two years, upon a petition signed by a number of qualified electors, not less than fifteen per cent of the number of electors voting at the last preceding election in said district, resubmit the question of the continuance or discontinuance of this act within such district. The form of the proposition for the resubmission of the question shall be drafted by the board of education when submitted at any succeeding special or general election.

FIRE PROTECTION IN THE SCHOOLS.

[Extract from Act 285, P. A. 1909.]

Factory
inspectors,
power to
condemn.

Doors to
open out-
ward.

Penalty.

(644) § 5334. SEC. 13. Factory inspectors shall have power to condemn all schoolhouses if in their opinion they are unsafe and liable to collapse and cause the lives of children to be endangered; also factory inspectors shall have power to order fire escapes on all manufacturing establishments, hotels, stores, theaters, schools, halls, public and office buildings two or more stories in height, and apartment houses three or more stories in height, if in the opinion of the factory inspector it be necessary to insure the safety of persons in such places; said fire escape or means of egress, or as many thereof as may be deemed sufficient by the inspector, shall be provided, and where it is necessary to provide fire escapes on the outside of such building they shall consist of landings and balconies at each floor above the first, to be built according to specifications provided by the factory inspector. All doors in schoolhouses and the doors of the capitol building and all state institutions shall open outward. Factory inspectors shall in writing notify the owner, agent or lessee of such manufacturing establishments, hotels, stores, theaters, schools, halls, apartment houses and public and office buildings of the required location and specifications of such escapes as may be ordered and as to all failures to comply with the provisions of this act. Any person, firm or corporation, or any member of any school board, who shall violate or cause to be violated any of the provisions of this section, or shall fail or refuse to erect or cause to be erected any fire escape ordered by any factory inspector, under authority of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than three months nor more than one year, or by both such fine and imprisonment in the discretion of the court.

See sec. 263.

ESTABLISHMENT, ETC., OF HIGHWAY TO SCHOOL BUILDING.

[Extract from Chap. I, Act 283, P. A. 1909.]

(645) § 4297. SEC. 10 * * * The said township board shall cause to be established and improved a public highway to each and every public school building in any organized school district in every township, and where a highway is a ready laid out and established, and not improved and made passable to any such public school building, the said board shall cause the same to be so improved and made passable for public use.

Highway to every public school.

An Act to provide for the direction and supervision of the instruction and training of the inmates in all institutions in this state where juvenile delinquents are confined or detained by order of any court, parent or guardian, and to authorize the superintendent of public instruction to direct and supervise the instruction and training of the inmates in said institutions.

[Act 137, P. A. 1917.]

The People of the State of Michigan enact:

(646) SECTION 1. The superintendent of public instruction is hereby authorized to supervise and direct the instruction and training of the inmates in all public institutions in the state where juvenile delinquents are confined or detained by order of any court, parent or guardian. No course of study shall be pursued in any of such institutions which shall not have been approved by the superintendent of public instruction, and he shall prescribe for each institution the course of study it shall follow.

Instruction, etc., of certain inmates.

Approval.

(647) SEC. 2. No person shall be permitted to teach in any public institution of this state, as provided in this act, whose educational qualifications shall not have been approved by the superintendent of public instruction.

Approval of teacher's qualifications.

Added 1919, Act 17.

An Act authorizing cities, villages, counties, townships and school districts to operate systems of public recreation and playgrounds.

[Act 156, P. A. 1917.]

The People of the State of Michigan enact:

(648) SECTION 1. Any city, village, county or township may operate a system of public recreation and playgrounds; acquire, equip and maintain land, buildings or other recrea-

System authorized.

tional facilities; employ a superintendent of recreation and assistants; vote and expend funds for the operation of such system.

Idem. (649) SEC. 2. Any school district may operate a system of public recreation and playgrounds, may vote a tax to provide funds for operating same, and may exercise all other powers enumerated in section one.

Operation of. (650) SEC. 3. Any city, village, county, township or school district may operate such a system independently or they may co-operate in its conduct in any manner in which they may mutually agree; or they may delegate the operation of the system to a recreation board created by any or all of them, and appropriate money, voted for this purpose, to such board.

Where may be conducted. (651) SEC. 4. Any municipal corporation or board given charge of the recreation system is authorized to conduct its activities on (1) property under its custody and management; (2) other public property, under the custody of other municipal corporations or boards, with the consent of such corporations or boards; (3) private property, with the consent of the owners.

An Act authorizing school boards to permit the use of school grounds and schoolhouses as community or recreation centers for the entertainment and education of the people and for the discussion of all topics tending to the development of personal character and civic welfare; to provide payment for janitor service and other expenses incident thereto; and to repeal all acts or parts of acts inconsistent herewith.

[Act 318, P. A. 1917.]

The People of the State of Michigan enact:

Use granted. (652) SECTION 1. The school board of any city, village, township or school district in this state, upon the written application of any responsible organization located in said school district, or of a group of at least seven citizens of said school district, shall grant the use of all school grounds and schoolhouses as community or recreation centers for the entertainment and education of the people, including the adults and children of school age, and for the discussion of all topics tending to the development of personal character and of civic welfare. Such occupation, however, shall not seriously infringe upon the original and necessary uses of such properties. The school board in charge of such buildings shall prescribe such rules and regulations for their occupancy and use as herein provided as will secure a fair, reasonable and impartial use of the same. The organization or group of citizens applying for the use of properties as specified above shall be responsible for any damage done them over and above the ordi-

Rules and regulations.

Applicants responsible for damages, etc.

duary wear, and shall, if required, pay the actual expense incurred for janitor service, light and heat.

Sec. 2 repeals all acts or parts of acts inconsistent with the provisions of this act.

PROVIDING HOMES FOR TEACHERS.

Act to authorize any school district to vote a tax, or to issue bonds for the purpose of building and furnishing a home for the teachers employed in the district, and for the purpose of buying a site for such home.

[Act 76, P. A. 1921.]

The People of the State of Michigan enact:

(653) SECTION 1. The qualified school electors of any school district when lawfully assembled at the first and at each annual meeting or at an adjournment thereof, or at any special meeting lawfully called, shall have power to vote such tax as the meeting shall deem sufficient to purchase or lease a site or sites, and to build, hire, or purchase a home for the use of the teachers employed in the district, and to vote a tax necessary to furnish said home. And any school district may, by a majority vote of the qualified school electors of said district present and voting at an annual meeting or at a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for the erection of a home for the use of the teachers employed in the district, to pay for the furnishing of the same, and to buy a site for such home. The district board, or board of education, shall estimate the amount of money necessary to be raised and shall state their estimate in the notices of the annual or special meeting, at which the question of borrowing money and issuing bonds shall be submitted to the people; and at said meeting the voters shall have power to ratify by vote aforesaid the estimate of the district board, or board of education, or to fix a new limit on the amount to be borrowed and for which bonds may be issued: Provided, That in all proceedings under this section, the district board and one person selected by the qualified voters present at said meeting shall constitute a board of inspectors, who shall cause a poll list to be kept and a suitable ballot box to be used, and the polls shall be kept open at least two hours. The votes shall be by ballot, either printed or written, or partly printed and partly written, and the canvass of the same shall be conducted in the same manner as at township elections, or as far as the laws governing the same are applicable, and when said laws are not applicable the board of inspectors shall prescribe the manner in which the canvass shall be conducted.

May build, etc., teachers' homes.

May issue bonds, etc.

Proviso, board of inspectors.

Bonds,
form, etc.

(654) SEC. 2. Whenever any school district shall have voted to borrow any sum of money for said purpose, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such denominations, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding six per centum per annum, and payable at such time or times as the said district shall have directed.

Authorized
to impose
tax.

(655) SEC. 3. Whenever any money shall have been borrowed by any school district for the purpose aforesaid, the board of education of such district is hereby authorized, at a legal meeting of said board, to impose a tax on the taxable property in such district, for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

An Act to fix the salary of the superintendent of public instruction of the state of Michigan.

[Act 28, P. A. 1921.]

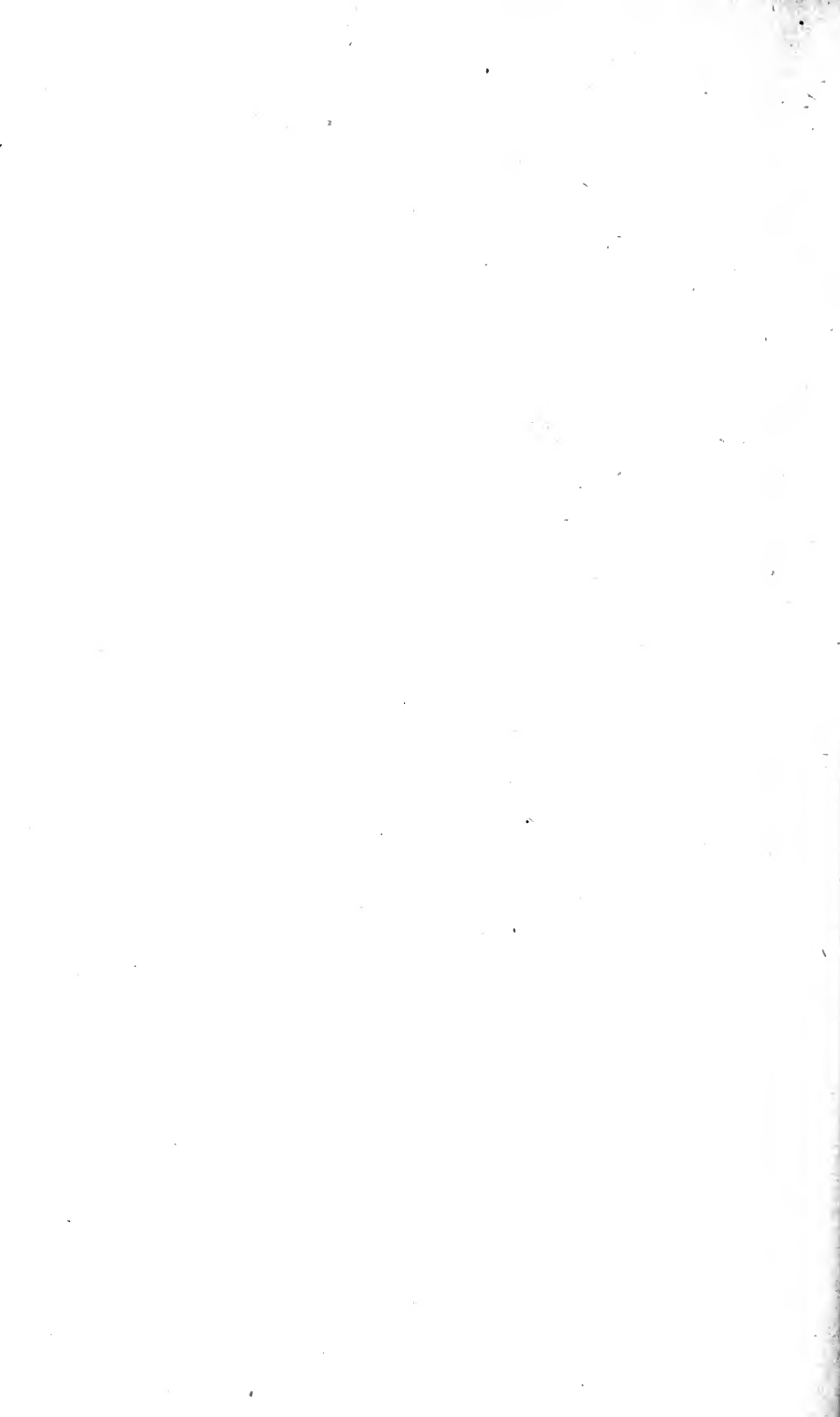
The People of the State of Michigan enact:

Annual salary.

(656) SECTION 1. From and after the first day of July, nineteen hundred twenty-one, the salary of the superintendent of public instruction shall be five thousand dollars per annum, which shall be paid monthly out of the general fund in the state treasury upon the warrant of the auditor general in the same manner as the salaries of other state officers are paid.

Sec. 2 repeals inconsistent acts.

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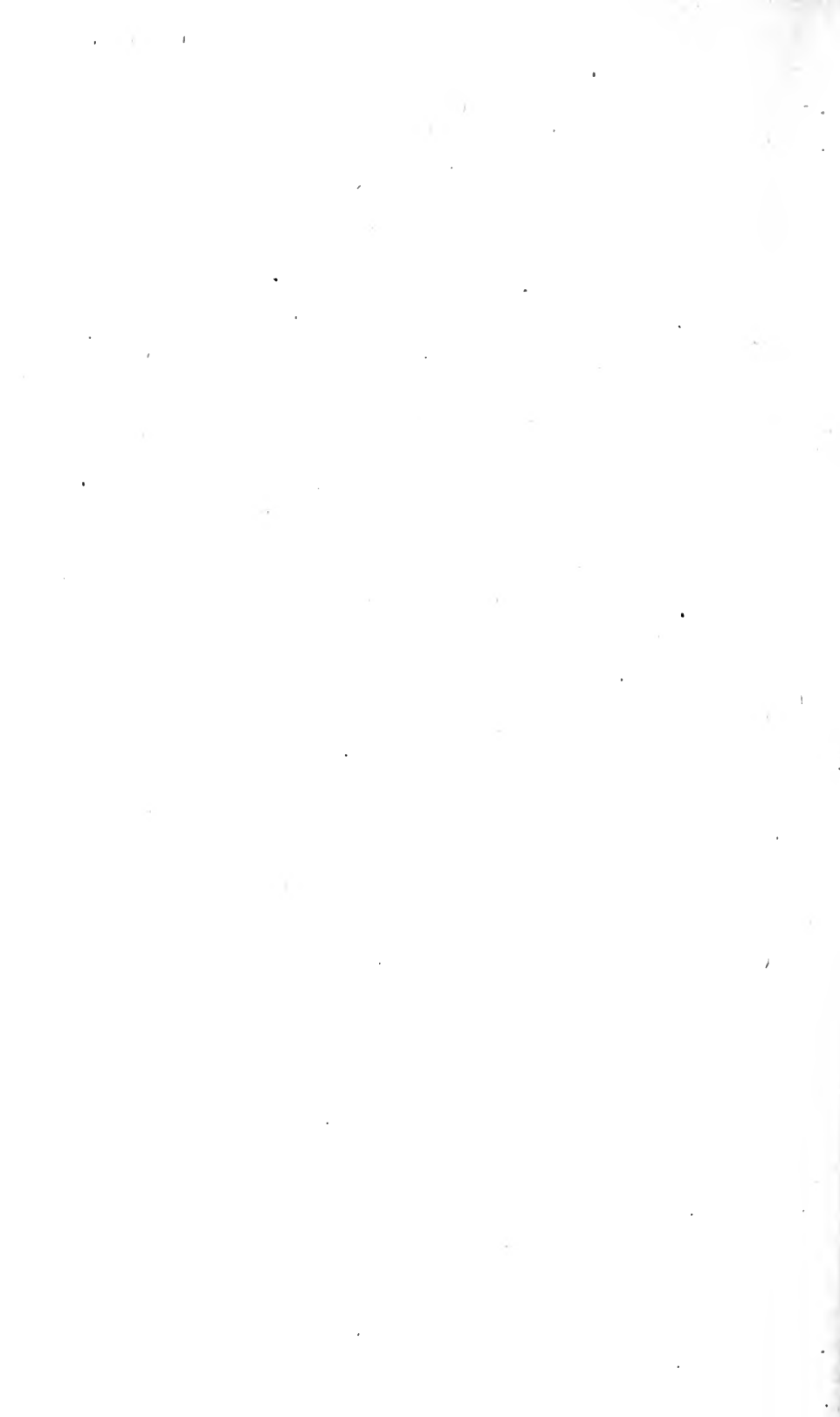
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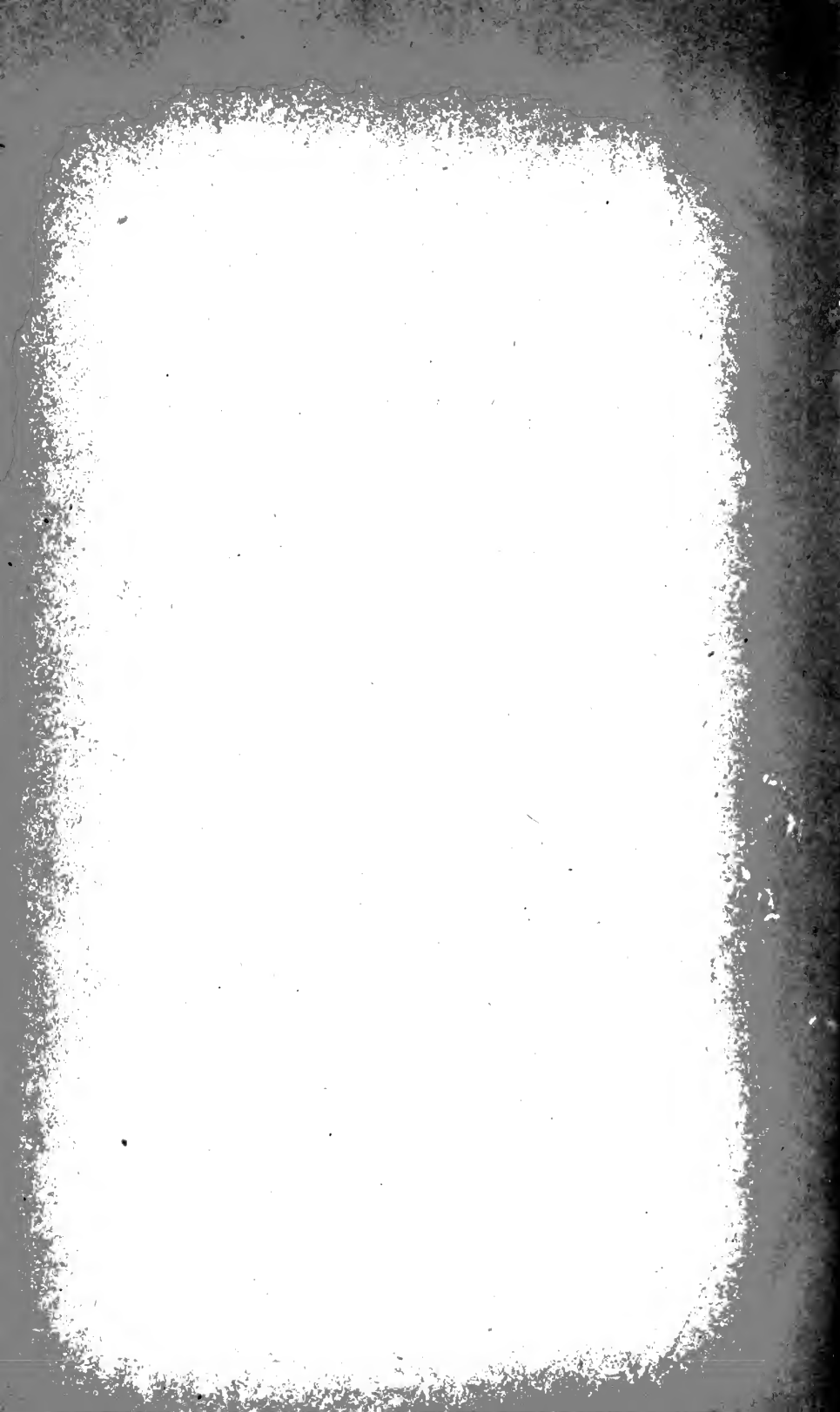
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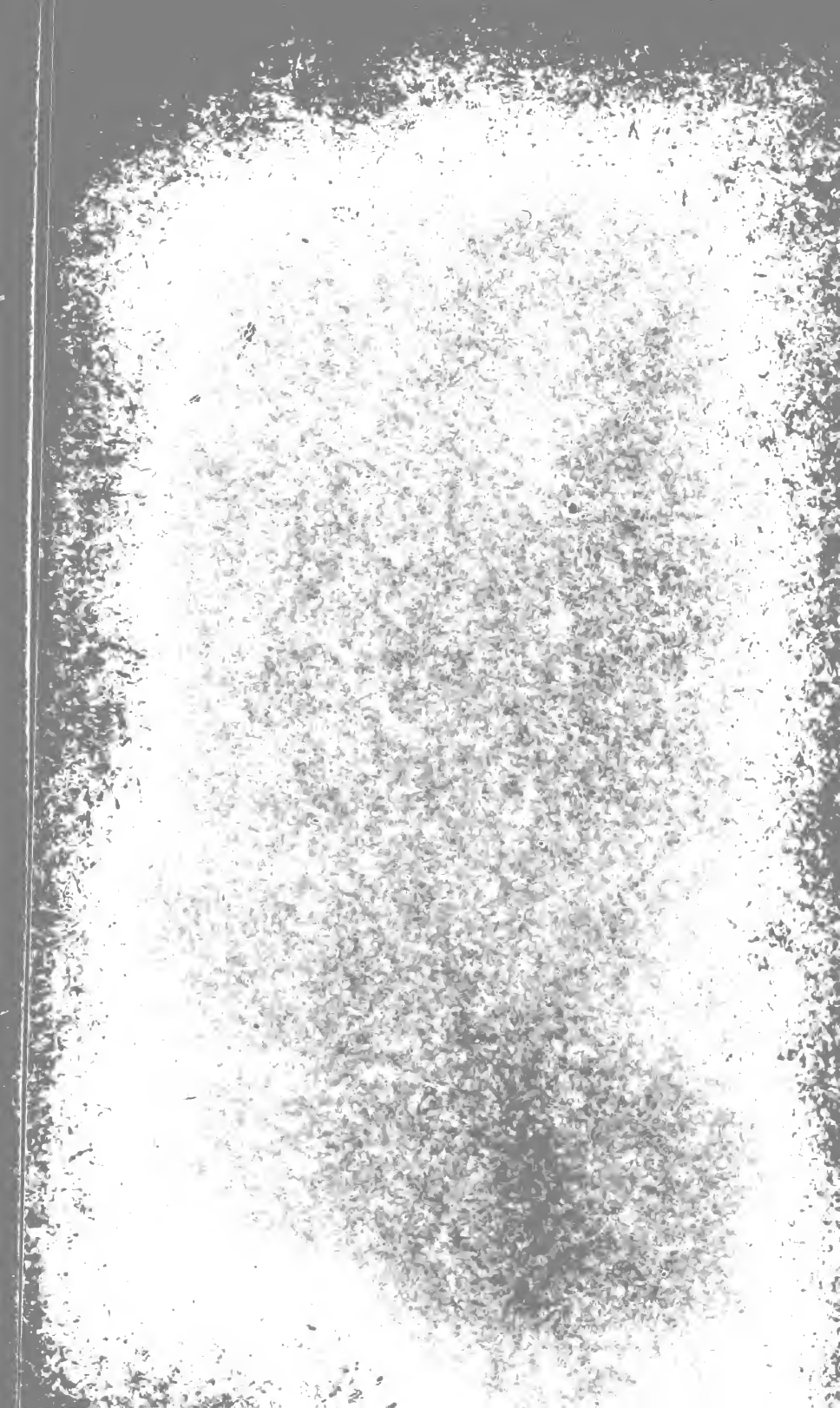
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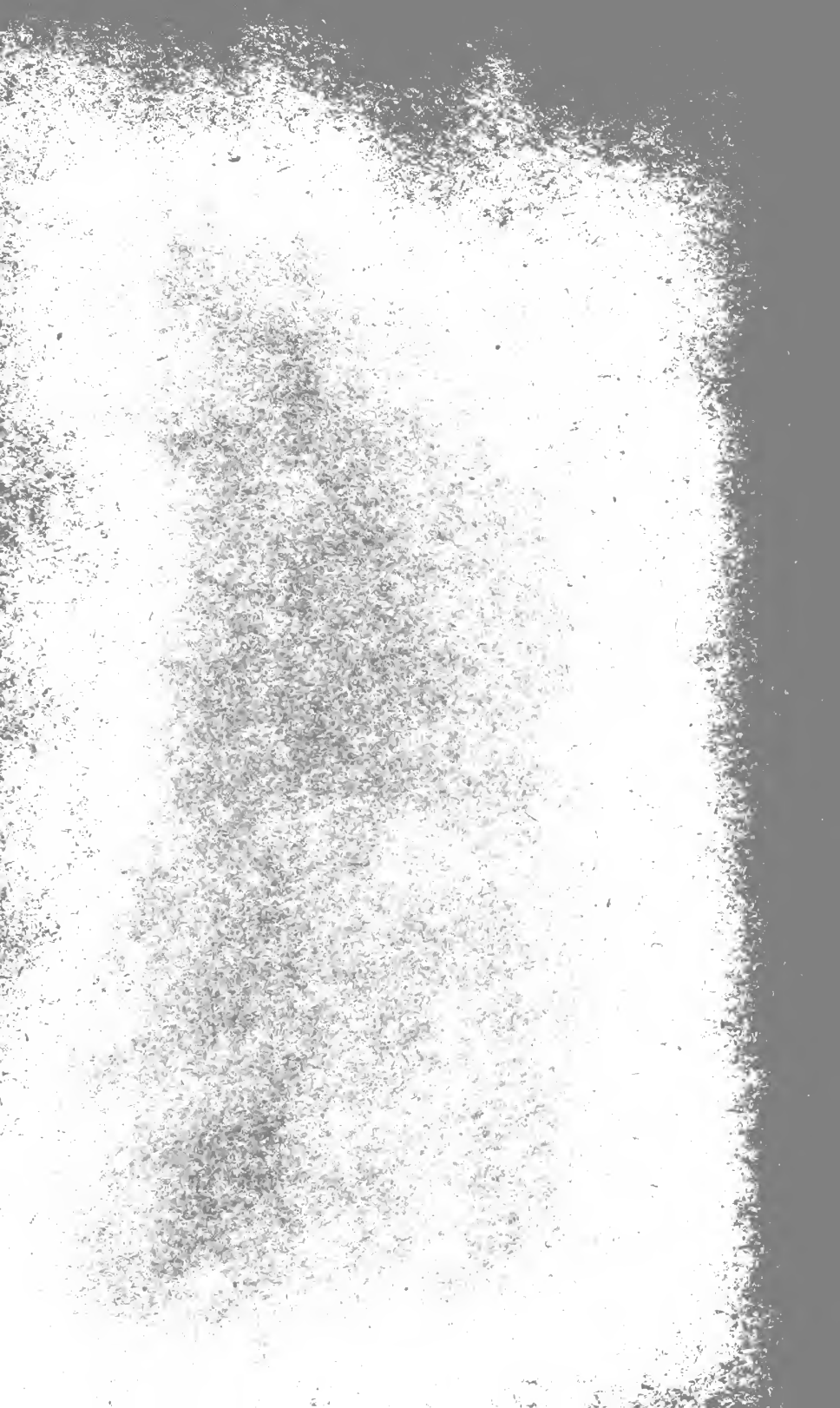
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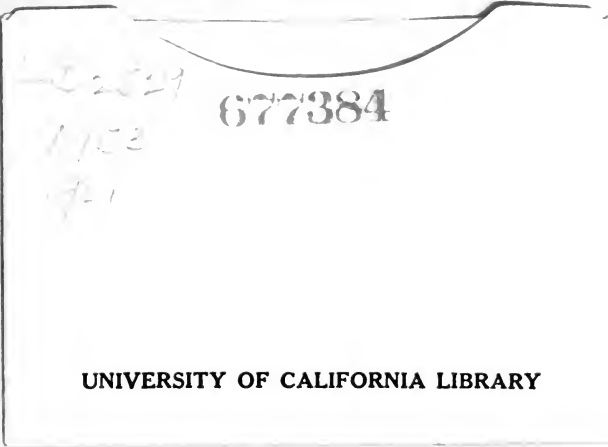












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