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STATE OF MICHIGAN

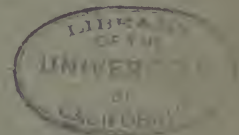
GENERAL SCHOOL LAWS

WITH AN APPENDIX OF BLANK FORMS

COMPILED UNDER THE SUPERVISION OF

FREDERICK C. MARTINDALE

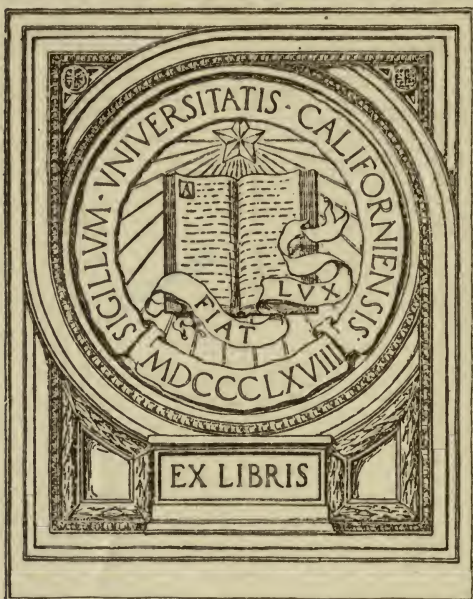
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1909

EXCHANGE



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STATE OF MICHIGAN, Laws,
" statutes, etc.

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CONTENTS.

CONSTITUTIONAL PROVISIONS.

	Sections.
Article X.—Finance and taxation	1-2
Article XI.—Education	3-17

STATUTORY PROVISIONS.

Election of state board of education	18
Election of superintendent of public instruction	19
Primary school system—	
Superintendent of public instruction	20-26
Formation, alteration, meetings and powers of districts	27-46
District board and officers	47-72
Township officers	73-87
County clerk and treasurer	88-90
Bonded indebtedness of districts	91-94
Suits and judgments against districts	95-101
Sites for schoolhouses	102-116
Appeals from action of township board	117-119
Graded school districts	120-125
Libraries	126-138
Penalties and liabilities	139-147
Miscellaneous provisions relative to education and the schools—	
Free text books	148-153
Agricultural college course	154
Kindergarten method	155-158
Teaching of dangerous communicable diseases	159-160
Publication of the proceedings of annual school meetings	161-162
Purchase and display of United States flag	163
Returns from incorporated institutions	164
State teachers' certificates	165-171
County commissioners and school examiners	172-183
Examination of candidates for admission to agricultural college	184-185
Meeting of school officers of county	186-188
Township school districts	189-213
Township school districts in upper peninsula	214-229
Boundaries of school districts in cities	230-233
Teachers' institutes	234-241
Bureau of information in office of superintendent of public instruction..	242-243
Compulsory education	244-249
Compulsory education of deaf children	250-252
Compulsory education of blind children	253-254

	Sections.
Miscellaneous offenses—Crime and truancy—Delinquency of children...	255-258
Protection of children	259
Employment of children	260
Teachers' associations	261-263
State accounts—Safe keeping of public moneys	264-271
State lands—Apportionment of dog tax	272
State board of education	273-290
State normal schools	291-300
Granting of diplomas by state board of education in connection with state normal schools	301
Loan funds for students	302-308
State library commission	309-312
Publication and distribution of laws and public documents	313-315
Rural high schools	316-323
Qualifications of kindergarten teachers	324-326
Annual reports by librarians	327-328
Payment of tuition of eighth grade pupils	329-330
County normal training classes	331-337
County schools of agriculture, manual training, etc.	338-347
Day schools for the deaf	348-353
Payment of subcontractors	354-357
Cities of the fourth class—School districts, and board of education ...	358-362
Commission on industrial education	363-366
Sale of tax homestead lands for school sites	367
Exemption of school bonds from taxation	368
Appendix—Forms for proceedings under the school laws.	

NOTE.—The section numbers in parentheses (), are compiler's sections, and are consecutive throughout this compilation. Section numbers of the compiled laws of 1897 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 154th Mich. report. The character / is used in citing cases, to avoid the repetition of Mich.

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.

(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.

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.

(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.

(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.

(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 every 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.

(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.

(12) SEC. 10. The legislature shall maintain the university, the col-

lege 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.

(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.

(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.

(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.

(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.

(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.

An Act fixing the time when members of the state board of education shall be elected.

[Act 216, 1909.]

The People of the State of Michigan enact:

Members
board of
education,
when elected.

(18) SECTION 1. At the biennial spring election to be held on the first Monday in April of nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of the board of education, who shall hold his office for six years from the first day of July following his election; at the biennial spring election to be held on the first Monday in April, nineteen hundred nine, a successor to the member of the state board of education whose term of office expired on December thirty-first, nineteen hundred eight, shall be elected; at the biennial spring election to be held on the first Monday in April, nineteen hundred eleven, a successor to the member of the state board of education whose term will expire December thirty-first, nineteen hundred ten, shall be elected; and at the biennial spring election to be held on the first Monday in April, nineteen hundred thirteen, a successor to the member of the state board of education whose term will expire on December thirty-first, nineteen hundred twelve, shall be elected. Each member shall hold his office for the term for which he was elected and until his successor is elected and qualified.

Term.

An Act to provide for the election of a superintendent of public instruction.

[Act 12, 1909.]

The People of the State of Michigan enact:

When elected,
term.

(19) SECTION 1. At the biennial spring election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter, there shall be elected a superintendent of public instruction, who 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. The person receiving the greatest number of votes at such election shall be by the state board of canvassers declared elected to such office.

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, 1881.]

The People of the State of Michigan enact:

CHAPTER I.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(20) § 4639. SECTION 1. The superintendent of public instruction shall have general supervision of public 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, the school for the blind, 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. 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 good standing, and shall have had at least five years experience as a teacher or superintendent of schools. His duties shall be as follows:

Supt. of Public Instruction.

Residence.

Qualifications.

Duties.

(a) To visit the 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;

(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;

Records and accounts.

(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;

Statutory period of school.

(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

Annual report.

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;

State 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 county commissioner, 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;

To promote welfare.

(i) 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.

Salary, how paid.

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. 1905, Act 72; 1909, Act 9.
As to superintendent of public instruction, see Const., section 4 of this compilation.

May appoint deputy, qualifications, etc.

(21) § 4640. SEC. 2. In order to organize the work of the department of public instruction and assist the superintendent 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 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 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. The superintendent of public instruction may revoke the appointment of the deputy superintendent 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 nine and every year thereafter a sufficient amount to reimburse the general fund for the amounts appropriated by this act.

Duty.

Salary.

How paid.

Tax levy.

Am. 1909, Act 9.

(22) § 4641. SEC. 3. The superintendent of public instruction may prepare and have printed general rules and regulations for the management of township and district libraries, a general course of study for the schools of the state, and he shall transmit all these documents to the several school officers entrusted with the care and management of the public schools.

May prepare rules for management of libraries.

Am. 1905, Act 72.

(23) § 4642. SEC. 4. He shall semi-annually, on receiving notice from the auditor general of the amounts thereof, and between the first and tenth days of May and November, 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 boards of school inspectors made to him for the school year closing prior to the May apportionment 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.

Apportionment of primary school fund, etc.

Warrant for, how drawn.

Notice to county clerks.

Moiles v. Watson, 60 / 417.

(24) § 4643. 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, town-

Proceedings in case of defective returns.

ship, 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.

When deficiency may be apportioned the next year.

(25) § 4644. 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 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.

Molles v. Watson, 60 / 417.

Other duties of superintendent.

(26) § 4645. 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.

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

(27) § 4646. 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.

Districts heretofore organized.

Am. 1901, Act 37; 1909, Act 31.

On the subject of primary schools, see chapter 116, C. L. 1897.

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 pro-

viding 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 is 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. Dist.*, 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 35.

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. Slisbee*, 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.

(28) § 4647. 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.

Proceedings
in case of
failure to
organize
district.

(29) § 4648. 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.

Fractional
districts,
how formed.

(30) § 4649. 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.

Annual
reports,
where
made.

Am. 1909, Act 31.
Saginaw Twp. v. Sch. Dist., 9 / 544; Brewer v. Palmer, 13 / 109.

When
districts
deemed
duly
organized.

(31) § 4650. 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

Resolution,
declaring
dissolution.

be attached, in accordance with the provisions hereinafter stated.

Am. Id.

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. 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 organization, etc., see note to section 27.

(32) § 4651. SEC. 6. The record of the first meeting made by the director shall be prima facie evidence of the facts therein 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.

Director's record of first meeting prima facie evidence.

Am. Id.

CORPORATE POWERS OF DISTRICTS.

(33) § 4652. 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.

Am. Id.

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 districts.—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 its 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.

ALTERATION OF DISTRICTS.

(34) § 4653. 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 rela-

Alteration of district boundaries by township board.

Posting
notice.Joint
boards.

tion 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.

Am. Id.

NOTICE: The notice required is jurisdictional and indispensable.—Coulter v. Inspectors, 59/301; 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
and attach
property.Division into
two or more
districts.

(35) § 4654. SEC. 9. The township board may in its discretion detach the property of any person or persons from one district and attach it to another; except that no land which has been taxed for building a schoolhouse shall be set off into another school district for the period of three years thereafter, except by the consent of the owner thereof; and no district shall be divided into two or more districts without the consent of a 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. Id.

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 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.

(36) § 4655. SEC. 10. The township board may attach to a school district any person residing in a township and not in any organized district, at his request; and for all district purposes, except raising a tax for building a schoolhouse, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Attaching persons not in any organized district.

Am. Id.

(37) § 4656. 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.

Notice to director of district affected by alteration.

Am. Id.

DIVISION OF PROPERTY.

(38) § 4657. 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 schoolhouses, etc.

When may sell and apportion proceeds.

Am. Id.

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.

(39) § 4658. 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

Proportion, how ascertained.

Debt deducted.

Proviso. 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.

Am. Id.
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.

(40) § 4659. 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 district may vote to hold its annual meeting on the fourth Monday in July.

Am. 1905, Act 36.
Farrell v. Sch. Dist., 98 / 45; Johnston v. Mitchell, 120 / 589.

Special meetings.

When may not be called.

Business of, to be stated in notice.

(41) § 4660. 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.

(42) § 4661. 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 wilful and fraudulent.

Duty of district officer to give.

When annual meeting not illegal for want of.

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

(43) § 4662. SEC. 17. In all school elections 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 such 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.

Qualified voter, who deemed.

Voting school taxes.

Proviso, land contracts.

Husband and wife.

Am. 1909, Act 83.

QUALIFIED VOTER: See Coffin v. Election Com'rs, 97/189; Belles v. Burr, 76/1; Mudge v. Stebbins, 59/165. See constitution of 1909, Art III, section 4.

(44) § 4663. 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

Challenging voters.

Oath tendered to challenged voter.

this oath shall be permitted to vote upon all questions proposed 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.

Belles v. Burr, 76 / 6.

False oath deemed perjury.

Disorderly persons at district meetings.

Penalty for disturbing meeting.

Who shall have jurisdiction in trial.

Powers of qualified voters at school meetings.

May appoint chairman.

May adjourn.

(45) § 4664. 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.

(46) § 4665. SEC. 20. The qualified voters in 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:

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 the same to the director, to be by him entered in the records of the district;

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 district officers.
- Fourth, To designate, as hereinafter provided, a site or such number of sites as may be desired for schoolhouses, and to change the same when necessary; Designate 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; Direct purchase of site, etc.
- Sixth, To vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire, purchase or repair a schoolhouse or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building, altering or repairing a schoolhouse 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 and repair fund:" Provided, That in addition to the amount which may be voted by the qualified voters of a district for repairs, an amount not exceeding fifty dollars in any one year may be taken from the general fund; Vote tax for buildings, etc. Limit. Tax, how accounted. Amount may take from general fund.
- Seventh, To vote such tax as shall be necessary for the following purposes: To provide the necessary appendages provided for by statute and all other school apparatus; to establish and support a district library; to pay the premium upon any surety bond required by law to be given by any officer of such school district; to pay for the transportation of pupils to and from school; to pay for furniture, fences, care of grounds, taking of census, books for indigent children and all appurtenances to the school property; to pay for necessary record books and blanks, and to discharge any debt or liability of the district lawfully incurred for any of these purposes; the tax herein provided for, when collected and received by the treasurer, shall be accounted for under the title of "the general fund;" Vote tax for school apparatus, library, etc. Tax, how accounted.
- Eighth, To authorize and direct the sale of any schoolhouse, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district; May sell site, 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; To direct suits, etc.

Building committees.

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 schoolhouse as they may by vote direct;

Determine length of time school taught.

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 having four hundred or more children of school age, and in all districts having over thirty children and less than four hundred children, not less than eight months, and not less than five months in all other districts 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 meeting vote to discontinue school in the district for the ensuing year and determine that the children resident therein shall be sent to another school or schools, 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 to pay the tuition and transportation of all such children, and if necessary vote a tax for such purpose.

Proviso, may discontinue school.

Tuition and transportation.

Am. 1903, Act 10; 1907, Act 91; 1909, Act 83.

Molles v. Watson, 60/415.

FOURTH: See section 102 as to 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 contractors.—Id.

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.

SEVENTH: Publishing House v. Sch. Dist., 94/265. The word "appendage" does not mean simply the apparatus to be used inside of the building, nor is it limited to brooms, pails, cups, etc., but must be construed to include fuel, fences and necessary out-houses.—Creager v. Sch. Dist., 62/108. A director has authority, in the exercise of a sound discretion, to buy new seats for a schoolhouse under a resolution "to fit up the schoolhouse for the winter term."—McLaren v. Akron Town Board, 48/190. 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 67, 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; Molles v. Watson, 60/417.

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 precipi-

tated, 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 (now five months) 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. Dist. No. 1 Crystal Lake Twp.*, 133/241. School district cannot appropriate surplus one mill tax to general purpose before end of year.—*Bonhagel v. Sch. Bd. of Dist. No. 1, Bronson & Bethel Twps.*, 134/455.

CHAPTER III.

DISTRICT BOARD AND OFFICERS.

(47) § 4666. 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.

Election of district officers.
Term of office.

NOTE.—Act 165, 1901, amending Act 164, 1881, changes the word assessor to treasurer. See section 52.

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.

(48) § 4667. SEC. 2. A school district office shall become vacant immediately upon any of the following events:

When school district office deemed vacant.

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.

Am. 1903, Act 21; 1907, Act 91.

Vacancies,
how filled.

(49) § 4668. 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.

Am. 1909, Act 83.
Johnston v. Mitchell, 120 / 589.

Who eligible
to election or
appointment.

(50) § 4669. SEC. 4. Any qualified voter in a school district whose name appears upon 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 upon the assessment roll, if otherwise qualified, each shall be eligible to election or appointment to school office.

Proviso, hus-
band and
wife.

Am. 1899, Act 184; 1909, Act 83.

To file ac-
ceptances.

(51) § 4670. 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.

Am. 1903, Act 21.

(52) § 4671. 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 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.

District board when meetings of, may be called.

Quorum of board.

Am. 1901, Act 165.

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 director is not true.—Cowley v. Sch. Dist. No. 3, Harrisville, 130/634.

(53) § 4672. 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.

Board to purchase record books, etc.

Am. 1903, Act 49.

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.

See School Dist v. Snell, 24/353.

(54) § 4673. SEC. 8. The district board shall purchase or lease, in the corporate name of the district, such sites for schoolhouses as shall have been lawfully designated, and shall build, hire, or purchase such schoolhouses 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 schoolhouse 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 schoolhouse when lawfully directed so to do by the qualified voters of the district at any annual or special meeting, when lawfully convened.

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

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.

(55) § 4674. SEC. 9. It shall be the duty of the district board to estimate and vote the amount of money necessary to be raised in addition to other school funds for the entire support of the schools, for the purposes of teachers' wages,

Duty of board to vote money.

Teachers' wages fund, how accounted.

Proviso, unused surplus.

Further proviso.

Taxes, how reported.

Amount may borrow in anticipation.

water supply, and such other expenses as are incidental and necessary in order that the schools may be properly conducted, for deficiencies in such funds for the preceding year, if any, and for the services of district officers. All primary money and mill tax shall be accounted for under the title of "Teachers' wages fund." All taxes voted for teachers' wages, incidentals and deficiencies and services of officers, when collected and received, shall be accounted for under the title of the general fund: Provided, That if at the close of the school year there is an unused surplus of one mill tax raised for that year, the board shall have authority to transfer such surplus to the general fund: Provided further, That the tax for the services of district officers herein provided for, in districts having less than fifty children, shall not exceed twenty-five dollars, and in districts having between fifty and one hundred children the tax shall not exceed fifty dollars. 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 tax a sum not exceeding the total of such tax.

Am. 1907, Act 91; 1909, Act 83.

School board when to report taxes voted.

(56) § 4675. 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.

Am. 1905, Act 36.

Board to apply moneys according to law.

(57) § 4676. SEC. 11. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a consenting vote of two-thirds of the tax-paying voters of the district; and no moneys received from the primary school interest fund, nor from the one-mill tax except as provided by law shall be appropriated to any other use than the payment of teachers' wages, 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 main-

Sectarian schools barred from public moneys.

tenance 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.

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

(58) § 4677. 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.

Board to make annual reports.

Contents of.

(59) § 4678. 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.

Board to hire teachers.

Contracts.

School register to be kept.

Record of attendance.

Contract to be filed.

Teacher must have legal certificate.

School month defined.

Am. 1901, Acts 62 and 146.

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. Dist., 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.—Coffin 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 proof 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.

WAGES NOT GARNISHABLE: A teacher's wages cannot be reached by garnishment.—Sch. Dist. v. Gage, 43/484.

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 176, 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.

Care and use
of school-
house.

(60) § 4679. SEC. 14. The district board shall provide a water supply for pupils, have the care and custody of the schoolhouse 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 schoolhouse 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.

Board may
exclude public
meetings at
certain times.

Am. 1901, Act 146.

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.—Manard v. Woodward, 36 / 424; Eckhardt v. Darby, 118 / 199.

(61) § 4680. SEC. 15. The district board shall specify the studies to be pursued in the schools of the district [districts], and 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 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. 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 instructions 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 their 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 [director], 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 their office. This act shall apply to all schools in the state, including schools in cities or villages, whether incorporated under special charter or under the general laws.

Board to specify studies, etc.

Kind of text-books to be used.

Text-books, by whom approved, etc.

Board to require the teacher to certify, etc.

Punishment for neglect.

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 suspensions 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 in 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.

Purchase of books for poor children.

(62) § 4681. 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.

Board to establish rules for schools.

(63) § 4682. 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.

May suspend or expel disordered 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. Cody, 132 / 13.

Who can attend school.

No separate school on account of race, etc.

Grading not prevented.

(64) § 4683. 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.

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.*

(65) § 4684. 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.

District boards may admit non-resident pupils.

Children who are a county charge to be admitted.

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.

(66) § 4685. SEC. 20. It shall be the duty of the moderator of each school district:

Duties.

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

To preside.

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 apporportioned to the district by the township clerk;

Countersign orders, etc.

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;

When to bring suit on treasurer's bond.

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

Am. 1903, Act 49.

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.—*Balley v. Tompkins*, 127 / 74.

DIRECTOR.

- Director, duties. (67) § 4686. SEC. 21. It shall be the duty of the director of each school district:
- To record proceedings. First, To act as clerk, when present, at all meetings of the district and of the board;
- Notice of meetings. 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;
- Warrants and orders. 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;
- Teachers' contracts. 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;
- Appendages. 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;
- What constitutes. Sixth, To provide the necessary appendages for the schoolhouse 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 schoolhouse with such other apparatus as may be necessary for doing efficient work;
- 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.

Am. 1901, Act 165; 1909, Act 173.

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 schoolhouse in order and repair.—Twp. Board of Hamtramck v. Hollman, 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.

(68) § 4687. SEC. 22. It shall be the duty of all school boards and boards of education in this state to make an annual school census in their respective districts or cities as is provided in this section. School board to make annual census.

First, In all school districts, except in incorporated cities having a population of three thousand or over, within fifteen days next previous to the first Monday in June of each year, the director, or such other reputable and capable person or persons as the district board may appoint, shall 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 indorsed thereon, setting forth 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. When taken.
Who to make enumeration.
Data required.
List verified by oath.
When returned.
Compensation.

Second, In all incorporated cities or special legislative district having a population of three thousand or over, within In cities, who to take census, etc.

twenty days next previous to the first Monday in June of each year, the secretary of the board of education, or other reputable and capable person or persons employed by the board of education, shall take the school census of such city as follows:

Taken by wards.

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

Data required.

(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 it is a correct list of the parents or legal guardians, their street and residence number, the names and ages of all the children between the ages aforesaid residing in the ward or part thereof as allotted to him.

List verified.

Certain children not included.

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:

Exceptions.

(a) Children in such institutions who regularly attend the public schools.

(b) Orphans whose parents at the time of death resided in such school district or city.

Legal residence.

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. Indian children shall not be included in any census, unless they attend the public school 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.

Indian children.

Domestics, etc.

Cities, when census compiled.

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 Monday in June in 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

Affidavit of secretary.

When transmitted to Supt. Public Instruction.

transmit to said superintendent the annual statistical and financial report of said city or district.

Am. 1903, Act 218; 1905, Act 36.

(69) § 4688. 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.

Am. 1905, Act 208.

(70) § 4689. 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.

Am. 1905, Act 36.

Where
director of
fractional
district to
report.

(71) § 4690. SEC. 24. The director of each fractional district shall make his annual report to the clerk of the township in which the schoolhouse 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.

Duty of
treasurer.

(72) § 4691. SEC. 25. It shall be the duty of the treasurer of each school district:

To execute
bond.

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 credited to the general fund;

Premium,
form of
bond, etc.

Filing of
bond.

Proviso, de-
positing of
funds, interest
where credited.

To pay
orders.

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;

Receipts
and dis-
bursements.

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;

Yearly
report.

Fourth, To present to 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 of each

item of disbursements made, and exhibit the voucher therefor;

Fifth, 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 district meeting, 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;

To appear
for district.

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;

Settlement
with board.

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

Am. 1901, Acts 62, 165; 1903, Acts 21, 49; 1907, Act 91; 1909, Act 83.

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 66, subd. 2, and section 67, 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 Benalleck 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.

CHAPTER IV.

TOWNSHIP CLERK.

Triplicate reports, when township clerk to make, etc.

Copies, where filed.

Proviso, in case of township district.

Further proviso, legally qualified teachers.

Primary money, when forfeited.

(73) § 4698. 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 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.

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

(74) § 4700. 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 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.

Map showing school districts.

Copies, where filed.

Alterations.

Am. Id.

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.

(75) § 4701. 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 schoolhouse 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.

Clerk to certify proposed school taxes.

In case of division of district.

Am. Id.

(76) § 4702. 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.

Apportionment of school moneys.

Am. Id.

(77) § 4703. 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

To apportion school taxes.

Statement to township treasurer.

To notify directors of amount apportioned districts.

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.

TOWNSHIP SUPERVISOR AND TREASURER.

Assessment and collection of district taxes.

Taxes not assessed at proper time.

(78) § 4704. 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.

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.

Assessment of one-mill tax.

Proviso, when assessment not to be made.

Moneys apportioned by town clerk.

(79) § 4705. 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.

In townships where no districts are formed.

Am. 1905, Act 16.
See Saginaw Twp. v. Saginaw, 9 / 541; Twp. of Deerfield v. Harper, 115 / 678.

(80) § 4706. 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.

When district is divided, certain taxes to be assessed.

Proviso.

How such taxes to be applied.

Am. 1901, Act 165.
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 / 551.

(81) § 4707. 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 the specific purpose by the supervisors of the townships interested at a joint meeting held for that purpose, on application of either

Taxes in fractional districts.

Proviso.

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

In cases of disagreement of supervisors

Statement to township treasurer.

(82) § 4708. 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 of one-mill tax levied in fractional district.

(83) § 4709. 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.

Collection and apportionment of taxes on division of district.

(84) § 4710. 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.

(85) § 4711. 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., 40/554. See Elliott v. Miller, 8/132, and notes to section 2353, C. L. 1897. 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 67, subd. 4, and section 72, subd. 1, 2.

Liability of township to Sch. Dist., section 3914, C. L., 1897, 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, 1909.

(86) § 4712. 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.

Township
treasurer to
apply to
county
treasurer for
moneys.

(87) § 4713. SEC. 22. Each treasurer of a township, to the clerk of which the returns of any 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 when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

Moneys due
fractional
districts.

CHAPTER V.

COUNTY CLERK AND TREASURER.

(88) § 4714. 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 receive and
dispose of
communica-
tions, etc.

(89) § 4715. 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

County clerk
to examine
reports, etc.

Notice of
apportionment
of moneys.

he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

County treasurer to apply for moneys apportioned.

To notify township clerks of amounts.

(90) § 4716. 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 become 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.

CHAPTER VI.

BONDED INDEBTEDNESS OF DISTRICTS.

District may borrow money for sites.

Estimate of amount necessary.

May ratify estimate or fix new limit.

Proviso as to bond limit.

Proviso as to conducting elections.

(91) § 4717. 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, and to erect and furnish school buildings. 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 the 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 five per cent of the total assessed valuation of said district, and in districts having one hundred or more children in the school census the bonded indebtedness shall not exceed seventy-five dollars per capita of such census, nor shall the bonded indebtedness of a district extend beyond the period of fifteen 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.

Am. 1899, Act 190; 1901, Act 165; 1905, Act 270; 1907, Act 256.
TWO-THIRDS VOTE: A corporate act, which can be taken only by a two-thirds vote, cannot be rescinded by a bare majority.—Stockdale v. Sch. Dist., 47 / 226.

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.—*Stockdale 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.

(92) § 4718. 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.

Issuing bonds for money borrowed.
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.

(93) § 4719. 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.

Voters may raise tax to redeem bonds.

(94) § 4720. 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.

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

CHAPTER VII.

SUITS AND JUDGMENTS AGAINST DISTRICTS.

(95) § 4721. SECTION 1. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, when the amount claimed, or matter in controversy shall not exceed

Justices to have jurisdiction in certain cases.

one hundred dollars; and the parties shall have the same right of appeal as in other cases.

As to corporate powers, etc., see note to section 33. Liability for debts after changes made in districts.—See sections 38-39 and notes. Action of one district against another for money had and received.—Sch. Dist. v. Sch. Dist., 40/551.

Suit against district, how commenced.

(96) § 4722. SEC. 2. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the treasurer of the district at least eight days before the return day thereof.

Am. 1901, Act 165.

No execution to issue against district.

(97) § 4723. SEC. 3. 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 act.

Duty of treasurer relative to judgments.

(98) § 4724. SEC. 4. Whenever any final judgment shall be obtained against a 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.

Am. 1901, Act 165; 1903, Act 49.

When treasurer fails to certify, how party may proceed.

(99) § 4725. SEC. 5. 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.

Am. 1901, Act 165.

How judgment certified in case of fractional district.

(100) § 4726. SEC. 6. If the district against whom 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.

Supervisors to assess amount of judgment.

(101) § 4727. SEC. 7. 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.

CHAPTER VIII.

SITES FOR SCHOOLHOUSES.

(102) § 4728. 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 schoolhouses, how designated, etc.

Notice of meeting.

When inspectors may fix site.

Am. 1903, Act 182; 1905, Act 75.

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.—*Andress v. Inspectors*, 19 / 332.

TWO-THIRDS VOTE: See note to section 91, also *Bd. of Education*, *Detroit v. Moross*, 151 / 625.

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

(103) § 4729. 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 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

When compensation for site determined by jury.

Proviso.

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.

Am. 1903, Act 182; 1909, Act 232.

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.—*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.

When jury to be summoned.

(104) § 4730. 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.

Am. 1903, Act 182.

Notice in case owner is unknown.

(105) § 4731. 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.

Am. 1903, Acts 49, 182.

(106) § 4732. 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) § 4733. 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

Jury to be sworn.

Subpoenas, witnesses.

What jury
to ascertain.

circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination 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 cer-
tificate.

Am. 1903, Act 182.

Collection of
judgment.

(108) § 4734. 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) § 4735. 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) § 4736. 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.

Am. 1903, Act 182.

(111) § 4737. 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) § 4738. 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 When jury disagrees.
Adjournments not to exceed three months.

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.

Proceedings
in case
property is
encumbered.

(113) § 4739. 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.

Am. 1903, Act 182.

How money
deposited with
county treasurer
may be
drawn.

(114) § 4740. 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) § 4741. 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 proceedings.

(116) § 4742. 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) § 4743. 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.

Am. 1909, Act 31.

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) § 4744. 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 there-

Appellants to file written statement.

Bond;
amount of.

from to the board of appeals, and shall also cause to be executed and signed by one of their number, and by two good 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.

Am. Id.

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) § 4745. 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.

Am. Id.

CHAPTER X.

GRADED SCHOOL DISTRICTS.

Graded school
district, or-
ganization of.

(120) § 4746. SECTION 1. Any school district containing more than one hundred 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

Board of
education,
election,
term, etc.

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.

Eligibility.

Majority
vote.

Proviso.

Proviso.

Am. 1907, Act 247.

Simpkins v. Ward, 45 / 562.

CUSTODY OF RECORDS: The proceedings provided by statute, sections 9843-9851 C. L., 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 a 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) § 4747. 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

Acceptance
of office.

Organization of board. 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 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 own 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. 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 ten days after his appointment the treasurer of the board shall file with the secretary a bond, either personal or surety, in such sum as the board of education shall approve, not less than double the amount of money to come into his hands during his term of office. If a personal bond is filed there shall be at least two sureties, each of whom shall justify under oath to the full amount of the bond. If a surety bond is 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 school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said board.

Vacancies.

Bond of treasurer.

Appointment of officers.

Am. 1901, Act 165; 1907, Act 247.

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*, 120/589.

Board of education.

(122) § 4748. SEC. 3. It shall be the duty of the board of education in any graded school district:

To determine course of study.

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;

To establish high school.

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;

Proviso, tuition of non-residents.

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

To audit accounts of secretary.

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.

Duties of superintendent.

(a) 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;

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

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

(d) 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.

Am. 1907, Act 247.

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.—*Farrel 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 superintendent, see *Davis v. Sch. Dist.*, 81/219-20.

SIXTH: 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 176, 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
districts.

Proviso,
appeal.

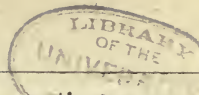
Bond,
amount of,
where filed.

Judge of
probate to
review
action.

(123) § 4749. 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, residing one and one-half miles or more from a schoolhouse in such district, 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 court, 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 trustees appealed from.

Am. 1899, Act 258; 1909, Act 83.

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



(124) § 4750. 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.

Am. 1909, Act 83.

(125) § 4751. 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.

Am. Id.

CHAPTER XI.

LIBRARIES.

Township
or city may
maintain
library.

Proviso,
abandonment.

Further
proviso, in
case of
legal action.

Further
proviso,
township
school
district.

(126) § 4752. 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.

Am. 1909, Act 32.

Who are
entitled to
privileges
of library.

Proviso.

(127) § 4753. 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.

Township
library, who
to have
charge of,
etc.

(128) § 4754. 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 appen-

ages 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.

Am. 1909, Act 32.

(129) § 4755. 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) § 4756. 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.

Am. 1909, Act 32.

(131) § 4757. 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.

Am. Id.

(132) § 4758. 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

Library,
who to
have charge
of, etc.

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.

Am. Id.

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.

(133) § 4759. 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.

Director, report of, what to include.

Am. Id.

Failure to report.

(134) § 4760. 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.

Forfeiture of library moneys.

Am. Id.

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

(135) § 4761. SEC. 10. The superintendent of public instruction shall annually and previous to the tenth day of May, 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.

Statement and copy, to whom furnished.

Am. Id.

(136) § 4762. 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 June 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.

Fines,
certain.

When applied
to support
of libraries.

Am. Id.
FINES, ETC.: See Const., Art. XI, section 14, and notes thereto.

(137) § 4763. 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) § 4764. 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.

Am. 1909, Act 32.

CHAPTER XIII.

PENALTIES AND LIABILITIES.

(139) § 4765. 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) § 4766. 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 per-

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

form any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Am. 1901, Act 165.
Hinman v. Sch. Dist., 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.

Township clerk, liability of, for failure to report.

(141) § 4768. 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.

Am. 1909, Act 32.
Sec. 3 was repealed by Act 32, 1909.

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

(142) § 4769. 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.

Am. Id.

How moneys collected on account of neglect, disposed of.

(143) § 4770. 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) § 4771. 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.

Am. 1901, Act 165.

Primary school districts, when officers to be removed.

(145) § 4772. SEC. 8. The township board of each township containing primary school districts and in the case of fractional school districts the township board of the township in which the district schoolhouse thereof is situated, shall have power and is hereby required to remove from office,

upon satisfactory proof, after at least five days' notice to the party implicated, any district officer 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: Provided, That the power of the township board to remove school officers from office shall not apply when the township is organized as a school district. In case of such removal it shall be the duty of the township clerk of such township to enter in the records of such township the resolution or order of such board 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 such board and of the regularity of the proceedings for such removal, and, unless the party so removed shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the removal of such order for removal, or if after such thirty days such proceedings to obtain such removal shall be discontinued or dismissed, shall be conclusive evidence of jurisdiction and regularity, if it shall appear that the party so removed had five days' notice of the time and place fixed by said board for the hearing of the case as aforesaid.

Proviso.

Order for removal to be recorded.

Prima facie evidence.

Am. 1909, Act 32.

REMOVAL: When a member of the board is interested in the subject for consideration in the matter of removal, he is not competent to act.—*Stockwell v. Twp. Bd. of White Lake, 22/341.* When interest deemed too remote to disqualify.—*Hamtramck Twp. Bd. v. Hollhan, 46/127.* Proceedings to remove are not invalidated because the board did not meet to agree on the notice under which the proceedings were taken.—*Wenzel v. Dorr Twp. Bd., 49/25.* The statute contemplates that no steps shall be taken until the action of the proper authorities has been invoked by complaint of some definite violation of duty. But preliminary formalities may be waived.—*Geddes v. Thomastown Twp., 46/318.* The action of the board is final unless speedily brought up for review.—*Id.* The proceedings are in the nature of a judicial investigation.—*Stockwell v. White Lake Twp. Board, 22/341.*

CAUSES FOR REMOVAL: The township board is the exclusive judge of the facts on which it is authorized to remove a school officer.—*Hamtramck Twp. Bd. v. Hollhan, 46/127.* Refusal to sign the director's orders for the payment of money is not alone sufficient cause for removal of the moderator, for he has a right to determine for himself whether the order should be issued.—*Stockwell v. White Lake Twp. Bd., 22/341.* Persistent refusal by a director, without cause, to make needed repairs in the schoolhouse furniture, etc., is sufficient cause for removal.—*Hamtramck Twp. Bd. v. Hollhan, 46/127.* Wilful refusal of a director to sign a teacher's contract, or to accept and file it, or to draw pay orders under the contract, and obstinate neglect to furnish necessary school supplies may be taken into account in proceedings for removal.—*Geddes v. Thomastown, 46/316.* A woman moderator cannot be removed for hiring her husband to teach the school.—*Hazen v. Akron Twp. Bd., 48/188.* Nor a director for the purchase, in his discretion, of new seats for the schoolhouse, under an order of the annual meeting "to fix the schoolhouse for the winter term."—*McLaren v. Akron Twp. Bd., 48/189.*

CERTIORARI: Lies to review the proceedings of a township board in removing a school officer.—*Stockwell v. White Lake Twp. Bd., 22/341; Crawford v. Twp. Boards, 22/405; 24/248; Merrick v. Arbela Twp. Bd., 41/630.* But mere insufficiency of evidence to establish the cause for removal will not warrant a reversal of the board's determination, the board being the exclusive judge of the facts.—*Hamtramck Twp. Bd. v. Hollhan, 46/127.* Township clerk's return as to testimony taken by the board presumed true.—*Taylor v. Shimmel, 107/676.*

(146) § 4773. 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

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

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

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.

Where this
act shall
apply.

(147) § 4774. 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.

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

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, 1889.]

The People of the State of Michigan enact:

(148) § 4775. SECTION 1. That from and after June thirtieth, eighteen hundred and 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 in each of the following subjects, to wit; Orthography, spelling, writing, reading, geography, arithmetic, grammar (including language lessons), national and state history, civil government, and physiology and hygiene; but text-books once adopted under the provisions of this act shall not be changed within five years: Provided, That the text-book 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 and sixty-five of the public acts of eighteen hundred and eighty-seven, approved June ninth, eighteen hundred and eighty-seven: And Provided further, That all text-books used in any school district shall be uniform in any one subject.

When board to purchase text-books.
Subjects.
Change.
Proviso.
Further Proviso.

The section above referred to is section 61.

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.

A resolution of the board directing the purchase of a specified text-book for 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 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.

(149) § 4776. 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.

Board to select the kind.
Proviso.

Notice to
vote on
question.

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.

Books to be
property of
district, etc.

Proviso.

Further
proviso.

Board to
contract
with pub-
lishers, etc.

Proviso.

Board to
make annual
estimate of
amount to
be raised.

(150) § 4777. 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.

(151) § 4778. 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 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.

(152) § 4779. 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.

When director to purchase books, etc.

(153) § 4780. 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.

Refusal or neglect of duty a misdemeanor.

Penalty.

Proviso.

Further proviso.

In cities, boards may submit question 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.

AGRICULTURAL COLLEGE COURSE.

An Act to prescribe and define a course of studies to be taught in the district schools of this state which shall be known as the agricultural college course.

[Act 181, 1897.]

The People of the State of Michigan enact:

(154) § 4791. SECTION 1. That the superintendent of public instruction shall prepare for district schools a course of study, comprising the branches now required for third

Who to prepare course of study.

College catalogue to be forwarded to school districts.

grade certificates, which shall be known and designated "the agricultural college course," and upon the satisfactory completion of this course of study, as evidenced by a diploma or certificate, duly signed by the county commissioner of schools, pupils shall be admitted to the freshman class of the agricultural college without further examination. It shall be the duty of the secretary of the agricultural college each year to send to each rural school district in the state a college catalogue, and upon application to furnish to such schools such other information as may be desired relative to said college. Such catalogue and other information shall be kept in each school for reference.

KINDERGARTEN WORK.

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

*[Act 119, 1891.]

The People of the State of Michigan enact:

Duty of district board.

(155) § 4792. 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.

Qualifications of teachers, etc.

(156) § 4793. 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.

(157) § 4794. 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.

(158) § 4795. 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.

* As to certificates, and payment of kindergarten teachers, see section 324.

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, 1895.]

The People of the State of Michigan enact:

(159) § 4796. 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.

Dangerous communicable diseases, methods for restriction, etc., to be taught in public schools.

Text-books, approval of.

Am. 1909, Act 141.

(160) § 4797. 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 willfully 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.

Penalty for neglect or refusal to comply with provisions.

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, and fixing a penalty for failure to make such publication.

[Act 185, 1897.]

The People of the State of Michigan enact:

Proceedings of annual school meetings, to be published.

(161) § 4800. 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.

Am. 1905, Act 305.

Penalty for neglect.

(162) § 4801. 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.

Am. Id.

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, 1895.]

The People of the State of Michigan enact:

Flags and appliances to be purchased.

(163) § 4802. 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, the public school building during school hours and at such other times

Time for displaying.

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.

RETURNS FROM ACADEMIES.

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

[Act 19, 1839.]

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

(164) § 4803. 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 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.

Reports to be made to superintendent of public instruction.

Contents of report.

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-one, and all other acts or parts of acts contravening the provisions of this act.

[Act 213, 1903.]

The People of the State of Michigan enact:

Regents
may grant
certificates.

(165) SECTION 1. The regents of the university of Michigan, through the faculty of the department of literature, science and the arts, may grant to every person receiving a bachelor's, master's or doctor's degree, and also a teacher's diploma for work done in the science and the arts of teaching in said university, 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.

Certificate
may be
annulled.

Proviso.

Sec. 2 repeals Act 144, 1891.

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

[Act 136, 1893.]

The People of the State of Michigan enact:

(166) § 4805. 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 in this state

Granting
teachers'
certificates
without ex-
amination.

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.

Special
courses, etc.,
approval of.

Life cer-
tificates.

Limited
term
certificate.

Authority of
certificate.

Am. 1907, Act 112.

(167) § 4806. 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.

(168) § 4807. 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

When instruc-
tion deficient,
duty of board.

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.

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

[Act 165, 1909.]

The People of the State of Michigan enact:

Teacher's
certificate,
granting of,
duration.

(169) 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.

Recording
validates.

(170) 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.

Record of,
by whom
kept, etc.

(171) 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.

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, 1891.]

The People of the State of Michigan enact:

(172) § 4808. 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 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 postoffice address of such county commissioner to the state superintendent of public instruction.

Examiner,
appointment
of, term, etc.

Eligibility.

Vacancy.

Oath, where
filed, etc.

Bond, where
filed, etc.

Am. 1901, Act 43; 1909, Act 221.

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.—*Holland v. Prentice*, 143/347.

Election of county commissioner of schools.

File oath and bond.

Proviso as to Chippewa county.

Proviso as to Lake county.

(173) § 4809. 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.

Am. 1901, Act 35; 1905, Act 169; 1907, Act 115.

Eligibility.

(174) § 4810. SEC. 3. Persons eligible to hold the office of commissioner of schools must possess the following qualifications:

(a) 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

Proviso, teachers' certificate.

Further proviso.

Further proviso.

granted, unless a person qualified as heretofore provided cannot be secured to fill the position.

Am. 1909, Act 222.

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 chap. 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.

(175) § 4811. 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 third Thursday of June and the second Thursday of August in each year. From these two examinations certificates of all grades may be granted. The said board of examiners may also, in their discretion, hold one other public examination, which shall begin on the third Thursday of October and at such place as in the judgment of the board the best interests of the teachers may require. From this examination only certificates of the second and third grade 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 such examinations.

Examiners hold two examinations each year.

May hold other examination.

Duty of commissioner.

Am. 1901, Act 99; 1903, Act 95; 1905, Act 99.
People v. Howlett, 94 / 170.

(176) § 4812. 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 art of teaching, United States history, civil government, and physiology and hygiene with reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system: Provided, 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

Teacher's certificate, who to grant, form, etc.

Subjects.

Proviso, when may send papers to another county.

of any other county for their examination, and such board of school examiners may, in their discretion, receive such papers, and if they accept them, shall treat them in the same manner as if written at a public examination in their own county: Provided further, That the board of examiners shall have the right to renew without examination the certificates of any persons 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: 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 time of its expiration. 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.

Am. 1901, Act 99; 1905, Act 148.

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

Grades of certificates granted.

(177) § 4813. 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, within 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 have 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 they 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

First grade, to whom granted.

Proviso, papers, etc., to whom forwarded.

Further proviso as to aggrieved applicant.

Further proviso.

Proviso as to renewal.

Further proviso, where renewed.

Questions, by whom furnished.

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 as provided in section five of this act; but no more than three certificates of this class shall be granted to the same person: Provided, That 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, but such certificate shall not continue in force beyond the time of the next public examination, and in no case shall a second special certificate be granted the same person within three years.

Second grade.

Third grade, class A.

Third grade, class B.

Proviso.

Am. 1901, Act 99; 1905, Act 148.

CERTIFICATES: The general policy of the school law is that schools shall be taught by qualified teachers, but necessities may arise where this cannot be done. When such necessity arises, the district may employ a teacher without a certificate, if the board is satisfied of his qualifications and pay him out of any moneys except primary school money and mill tax.—*Hale v. Risley*, 69/506. As to the liability of the district for such services, see *Id.*; *Stockdale v. Sch. Dist.*, 47/226; *Crane v. Sch. Dist.*, 61/299; *Smith v. Sch. Dist.*, 69/589. See *Sch. Dist. v. Crook*, 47/112. 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.

(178) § 4814. 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

Revocation of certificates.

Duty of commissioner when charges preferred.

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 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,

Duty of board at hearing.

Proviso.

Proviso as to non-appearance of person summoned.

Temporary suspension of certificate.

To summon teacher before board.

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 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, filing decision.

Proviso, appeal to probate court.

Am. 1907, Act 127.

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 persons teaching the school, is privileged and is justified by proof that he is a blasphemer, habitually profane and a Sabbath-breaker.—Wiemann v. Mabee, 45 / 484.

(179) § 4815. SEC. 8. It shall be the duty of the county commissioner:

Commissioner, duty of.

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

Qualification, notice of.

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;

Record of examinations, etc.

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

Institute fees.

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 in the county at least once in each year and to examine carefully the discipline, the mode of instruction, the text-books in use, the apparatus belonging to the school, the library, the progress and proficiency of the pupils, the skill and efficiency of the teacher,

To visit, etc., schools.

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 twenty or more districts, the commissioner of schools is hereby authorized to appoint such assistants as may be necessary, who shall perform such duties as said commissioner shall direct: Provided further, That in counties containing less than one hundred forty districts, such assistants shall be appointed with the consent of the board of supervisors: Provided further, That the whole expense incurred for such assistants shall not exceed the sum of ninety dollars in any one year in any county having less than one hundred and twenty school districts; and in counties having school districts ranging from one hundred twenty to one hundred forty in number, the whole expense incurred for such assistants shall not exceed two hundred dollars in any one year; in counties having school districts ranging from one hundred forty to one hundred sixty in number, the whole expense incurred for such assistants shall not exceed two hundred fifty dollars in any one year; and in counties having school districts ranging from one hundred sixty to two hundred in number or more school districts, the whole expense incurred for such assistants shall not exceed three hundred dollars in any one year; and in counties having school districts greater than two hundred in number, the whole expense incurred for such assistants shall not exceed four hundred dollars in any one year;

Proviso,
assistants.

Further
proviso.

Further
proviso,
expense
limit.

Counsel with
teachers, etc.

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;

Improvement
of schools, 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 the 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;

Examine,
etc., annual
reports.

Ninth, To receive the duplicate annual reports of the several boards of school inspectors, 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 instructions 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;

Subject to instructions, etc.

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.

Other duties.

Am. 1901, Act 99; 1905, Act 148; 1907, Act 127; 1909, Act 264.

(180) § 4817. SEC. 10. The compensation of each county commissioner of schools shall be determined by the board of supervisors of each county respectively, and may be increased or diminished at any October session of said board, but the compensation shall not be fixed at a sum less than five hundred dollars per annum in any county where there are fifty schoolrooms under his or her supervision; at not less than one thousand dollars per annum where there are one hundred schoolrooms under his supervision; and not less than twelve hundred dollars where there are one hundred twenty-five schoolrooms under his supervision; not less than fifteen hundred dollars where there are one hundred and seventy-five schoolrooms under his supervision; and in no case shall such compensation exceed the sum of eighteen hundred dollars per annum: Provided, That in estimating the number of schoolrooms in any county all graded schools operating under a general 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. The compensation of any assistant, when appointed as provided in this act, shall be determined by the county commissioner, but in no case shall it exceed three dollars for each day employed. The compensation of members of the county board of school examiners and of any assistant shall be paid quarterly from the county treasury, upon such examiner or assistant 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 each day for which compensation is claimed. The compensation of the county commissioner shall be paid quarterly from the county treasury: 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 su-

County commissioner of schools, compensation of.

Proviso, schools included.

School examiners, per diem of.

Assistants.

Payable quarterly.

Proviso, statement to be filed.

Further
proviso.

perintendent: 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 quarter and what amount of time was employed in each school, naming the township and school district. The necessary contingent expenses of the commissioner for printing, postage, stationery, record books, telephone rental, rent of rooms for public examination and grading registers shall be audited and allowed by the board of supervisors of the county. The necessary traveling expenses of the county commissioner of schools, incurred while performing the duties required by this act, may be audited and allowed by a two-thirds vote of the board of supervisors, but no traveling expenses shall be allowed any school examiner or assistant appointed by the county commissioner of schools.

Contingent
expenses.

Traveling
expenses.

Am. 1905, Act 148; 1909, Act 247.

Sec. 9 repealed by Act 222, 1909. •

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.

(181) § 4818. 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.

(182) § 4819. 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.

Am. 1909, Act 222.

Licensing and
employment
of teachers.

(183) § 4820. 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-half of his 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 pre-

Provision as to
cities employ-
ing superin-
tendent and
principal.

scribe: And 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 bear to the whole number of teachers employed in the district. All school districts organized by special enactments shall, through their proper officers, make such reports as the superintendent of public instruction may require.

Proviso as to normal training department.

When primary school interest fund shall be forfeited.

Am. 1901, Act 99.

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, 1895.]

The People of the State of Michigan enact:

(184) § 4821. 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.

(185) § 4822. 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.

County commissioner of schools shall 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, 1909.]

The People of the State of Michigan enact:

Meeting of school officers of county.

(186) SECTION 1. Each county commissioner of schools in the state of Michigan shall call a meeting of the school officers of his county at least once in each year, 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.

Call, what to include.

Who shall attend.

(187) SEC. 2. The director or secretary of each school board or board of education shall attend such meeting and the other members of each board of education may attend.

Per diem and expenses.

One member of the school board or board of education who attends such meeting shall be allowed and paid two dollars per day and 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 compensation and expenses of one member of the board.

Certificate of attendance.

Superintendent of public instruction, duty of.

(188) 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 of township school districts in the state of Michigan.

[Act 117, 1909.]

The People of the State of Michigan enact:

Single school district.

(189) SECTION 1. Whenever a majority of the qualified electors of any organized township residing outside of any graded school district votes in favor of organizing said township into a single school district, such township shall, after

the second Monday in July thereafter, be a single school district and shall be governed by the provisions of this act. 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 electors of said township until a petition therefor, signed by one-third of the qualified 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-third of the qualified 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 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 the annual 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 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 electors of the township. The ballots upon which such question shall be submitted shall be in the following form:

Petition for submission.

Township board and clerk, duty of.

Election, when called, etc.

Proviso.

Notice.

Ballots, form of.

“Shall.....township be organized into a single school district?” () “Yes.”

Name of township.

“Shall.....township be organized into a single school district?” () “No.”

Name of township.

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. If a majority of the electors of such township voting at such election vote in favor of the proposition, such township shall, after the second Monday of July subsequent to such election, be considered a single school district and shall be governed by the provisions of this act. Whenever a majority of the qualified electors of any township vote 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 for the second Monday of July, at which election the trustees for the township school district shall be elected by the qualified electors of such township. 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 second Monday of July following trustees for the township school district shall 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 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. 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 election 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

Election,
how conducted, etc.

Trustees,
election of.

Notice.

Conduct of
election.

Proviso,
fractional
districts.

Certified
copy of
petition,
where filed.

Custodian of
property.

Proviso,
meeting of
officers,
proceedings.

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.

(190) SEC. 2. All cities organized as school districts and all graded school districts 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 buildings, 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 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

Exemptions.

Proviso, in case city or graded district become part of township district.

Further proviso, boundaries,

Further proviso, division of territory, etc.

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.

Clerk to
give notice.

Joint
meeting.

Board of
education,
term, quali-
fications, etc.

(191) 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 the regular term of office shall be three years. Any qualified voter in the district whose name appears upon 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 district: Provided, That where a husband and wife own property jointly, if otherwise qualified, each shall be eligible to election or appointment to school office. At the first election held on the second Monday of July 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. At the first election and at all succeeding elections 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 the 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 owns property which is assessed for school taxes in the township district or who is the parent or legal guardian of any child of school age included in the school census

Proviso.

Election of
trustees,
terms.

Board of
election
inspectors.

Township
clerk,
duty of.

Qualified
voter, at
election.

of said district, and who has resided in said township district three months next preceding such 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 in fee, by contract or homestead right which is assessed for school taxes in the township district, and who has resided in the district as above stated shall be a qualified voter: For taxes. Provided, That a husband and wife who own property jointly and which is assessed for school taxes in the school district may, if otherwise qualified, vote upon the question of raising money. Proviso.

(192) 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. Annual meeting. Notice by secretary. Polls, opening and closing.

(193) 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 to 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 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 own property assessed for school taxes therein;" and every person taking this oath shall be permitted to vote upon all questions proposed at such meetings, or he may take the following oath, to-wit: "You do swear Challenge of voter. Form of oath.

(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 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 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 swearing.

Township clerk to notify persons elected, etc.

(194) 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 school questions, that his name appears on the assessment roll of the township for school taxes, and that he is the owner in his own right of the property in fee, by contract or homestead right, so assessed, 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.

Acceptances, where filed.

Meeting of board, officers, etc.

(195) SEC. 7. The members of the board of education shall meet on the fourth Monday of July 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 commissioner and the superintendent of public instruction, giving the name and post office 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 in the year and no notice of such meeting shall be required. The board may hold special meetings at any time on the call of the president and secretary, and of such meetings the secretary shall give at least twenty-four hours written notice to each member of the board. All business which the board of education is authorized to perform shall be done at a meeting

Quorum, regular meeting.

Special meetings.

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.

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

Office,
when
deemed
vacant.

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.

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

Duties of
board.

(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;

Fill vacancies.

(b) To purchase or lease in the name of the district such site or sites for schoolhouses 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 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 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;

Purchase and
sell property.

Proviso as
to lease.

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

Estimates.

(d) To vote the taxes necessary in addition to other school funds for teachers' wages which shall be accounted for under the title of "teachers' wages 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

Vote taxes
for wages,
tuition, etc.

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 of "general fund." All moneys received for library purposes and for buildings, sites and repairs shall be kept in separate accounts under proper title: 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;

General fund.

Proviso, when may borrow.

Report of board.

(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;

Moneys, how appropriated.

(f) To apply and pay over all school moneys belonging to the district in accordance with the provisions of 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 nor from the one mill tax shall be appropriated to any other use than the payment of teacher's 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 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 board: Provided, That after a district has maintained school nine months the board may transfer surplus mill tax to the general fund;

Sectarian school.

Proviso, transfer mill tax.

Charge of 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 necessary record books and blanks;

Course of study.

(h) To specify the studies to be pursued in the schools of the district and adopt a suitable course of study for said schools;

Adopt text books.

(i) To select and adopt suitable text books for use in the schools, and the secretary shall make a record of such adoption. 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 any annual or special meeting: Provided, That in the adoption of text books the board shall provide for instruc-

Proviso, alcohol and narcotics.

tion 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. Text books 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 book 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 text books 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;

Teacher to report.

(j) 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 text books as may be necessary for the use of children whose parents are not able to furnish the 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;

Make rules, purchase books.

Suspension.

(k) 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 the 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;

Admission of non-residents, etc.

(l) 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;

School census.

(m) 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 persons on account of race or

School year.

Proviso.

- Further proviso. 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;
- (n) To establish and maintain a district library and provide for its care and management;
- High school. (o) To establish and maintain a high school or high schools for the township and determine the qualifications for admission thereto: Provided, If a township high school be not maintained the board of education shall pay out of funds hereinbefore provided for, the tuition of any and all children of high school age who desire to attend high schools in the same township or in adjoining townships: Provided further, That if in such township or adjoining townships there be no established high school, then the tuition of such children shall be paid in such high school as shall be designated by such township board of education;
- Proviso, payment of tuition. (p) 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;
- Further proviso. (q) To employ a superintendent of schools for the township, when the same is authorized by a vote of the electors thereof, 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:
- Apparatus. 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;
- Employ superintendent, qualifications, duties. Second, To classify and control the promotion of pupils;
- Superintendent, duty as to teachers. Third, To recommend to the board the best methods of arranging the course of study and the proper text books to be used;
- Classify pupils. Course of study, etc. Fourth, To make reports in writing to the board of education and to the superintendent of public instruction annually or oftener if required;
- Reports. Fifth, To supervise and direct the work of the teachers;
- Supervision. 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;
- Contract with teachers, what to specify, etc. (r) 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 dis-

tract. Said contracts shall specify the wages agreed upon and require the teacher 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 contract 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 a 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 for 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;

Invalid.

Proviso.
temporary
teacher.

School
month.

(s) 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.

Further
duties.

(198) SEC. 10. It shall be the duty of the president of the board:

President
of board.

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

To preside.

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;

Countersign
orders.

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;

Prosecute
action.

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 other 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;

Meetings,
disturbance
of, etc.

Penalty.

Jurisdiction.

- Complaint for disturbance. 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;
- Perform duties of superintendent. 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.
- Secretary, duties. (199) SEC. 11. It shall be the duty of the secretary of each board of education:
- Clerk of board. First, To act as clerk at all meetings of the district and of the board;
- Record of proceedings. 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;
- Notice of meetings. 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;
- Proviso. Further proviso.
- Warrants, orders, etc. 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;
- Numbering.
- Sign contracts. Fifth, To draw and sign all contracts with teachers, superintendents or other employes, when directed by the district 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;

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;

Estimates, when and to whom presented.

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;

File reports, 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:

Annual report, what to contain, etc.

(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;

(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;

Other statistics.

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.

- (200) 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. Custody of moneys. 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;
- Deposits, interest, etc. 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 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. Pay orders. 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;

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.

(201) 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, sites and repairs, 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 majority 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

Tax estimate.

How considered.

Electors to determine amount.

Increase or decrease.

Report to supervisor, duty of.

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 cannot 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.

(202) 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.

(203) 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 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.

(204) 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

Proviso.

Further proviso, special meeting, bonding.

Form of ballot.

Issuance and sale.

Proviso, tax.

Taxes in separate column.

When township treasurer to pay over moneys.

To collect from other treasurers.

Statement, board to make, contents, etc.

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.

(205) 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: Free text-books, may be submitted. *
 Provided, That the voters at such meeting may direct the board of education to advertise for proposals and bids on such contract. Proviso, bids. 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: To be included in budget. 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. Further proviso.

(206) 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. Property and debts.

(207) 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. Tax not invalidated, etc.

(208) 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.

Board,
township
officers
ineligible.

Member not
to act as
agent.

Interest in
contract.

Penalty.

Refusal to
accept office
or perform
duty.

Removal
from office.

Proviso,
when order
to stand.

(209) 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.

(210) 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.

(211) 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 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 proceed-

ings 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.

(212) 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 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 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.

Consolidation of townships, board to act.

Joint session, appraisal, etc.

Alteration of district.

(213) 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 hear-

Appeal from action of board.

Supt. of public instruction, duty of.

ing 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.

TOWNSHIP SCHOOL DISTRICTS IN UPPER PENINSULA.

An Act for the organization of township school districts in the upper peninsula.

[Act 176, 1891.]

The People of the State of Michigan enact:

Petition for organization.

Clerk to notify board.

When township to become single district.

(214) § 4823. 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 gen-

eral 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.

Proviso
as to sub-
districts.

Am. 1903, Act 154.

This act is constitutional.—Perrizo v. Kesler, 93/280; Keweenaw Ass'n v. Sch. 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.

(215) § 4824. 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 from their 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

Board of edu-
cation, how
constituted.

Elections,
how con-
ducted.

Annual
meeting,
when held.

them, according to the provisions of section nine of this act. 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 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. 1903, Act 154.
Perrizo v. Kesler, 93 / 283.

First elections, when held in certain townships.

Proviso.

(216) § 4825. 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.

Officers, how notified of election.

Am. Id.

Board of education, how organized.

(217) § 4826. 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

Duties of president.

Secretary.

Treasurer.

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 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.

Am. Id.

(218) § 4827. 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.

Am. Id.

(219) § 4828. 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 meeting 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.
Proviso.

Am. Id.
Shafer v. Sch. Dist., 116 / 206.

To be board
of school
inspectors.

(220) § 4829. 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.

Am. Id.

Powers and
duties.

(221) § 4830. 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 children 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.

Am. Id.
Perrizo v. Kesler, 93 / 283.

Electors to
determine
amount to
be raised.

Proviso as
to neglect.

(222) § 4831. 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: Proviso as to amount. Provided, That for purchasing school lots and for erecting school-houses 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.

Am. Id.
Auditor General v. Duluth, South Shore, etc., 116 / 122; Auditor General v. Sparrow, 116 / 576.

(223) § 4832. 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. Taxes to be set forth in roll.

Am. Id.

(224) § 4833. 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. Treasurer to report to board.

Am. Id.

(225) § 4834. SEC. 12. The said board shall annually, 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. Board to make annual statement.

Am. Id.

(226) § 4835. SEC. 13. All school property, both real 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. Disposition of school property.

Am. Id.
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. Kessler, 93 / 283-4.

Of moneys
raised by
tax.

(227) § 4836. SEC. 14. All money raised or being raised 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.

Am. Id.

Compensation
of board.

(228) § 4837. SEC. 15. The compensation of the 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.

Am. Id.

In case of
division of
township.

(229) § 4838. SEC. 16. When any township district shall 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.

Am. Id.

SEC. 17. All acts contravening the provisions of this act are hereby repealed.

Added, 1909, Act 7.
Sections 17 and 18 of this act as added by Act 154 of 1903 were repealed by Act 7 of 1909.

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, 1909.]

The People of the State of Michigan enact:

(230) 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 establishment 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. 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 edu-

Boundaries,
how estab-
lished, etc.

Board of
trustees,
duty of.

Joint meet-
ings, notice of.

How made.

Chairman
and clerk,
election of.

Maps, al-
terations of.

Filing of.

cation 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.

May petition board.

(231) 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.

School matters, provisions governing.

(232) 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.

Certificate.

(233) 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.

Taxes, apportionment of.

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, 1877.]

The People of the State of Michigan enact:

(234) § 4839. 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 certifi-

Boards to collect fees from applicants for certificates.

cate, 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.

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.

(235) § 4840. 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, accompanied 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.

Disposition of fees.

(236) § 4841. 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.

Annual county institute.

Proviso, when optional with superintendent.

Proviso.

Proviso.

In case of
inability of
superin-
tendent.

(237) § 4842. 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.

Certificate of
attendance.

Teachers at-
tending not
to forfeit
wages.

Expense of
institute,
how paid.

(238) § 4843. 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.

May draw
on state
treasurer.

(239) § 4844. 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.

Am. 1899, Act 64.

Yearly
state
institute.

(240) § 4845. 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: 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.

Am. Id.

(241) § 4846. 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, 1907.]

The People of the State of Michigan enact:

(242) 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.

Information bureau, establishing of.

Fee for registering.

(243) 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.

Information free.

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, 1905, repealing Act 95, 1895.]

The People of the State of Michigan enact:

Children of certain ages to attend school.

Proviso, exceptions.

(244) 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 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 the following cases children shall not be required to attend the public schools:

(a) Any child who is being taught in a private or parochial school in such branches as are usually taught in the public schools to children of corresponding age, 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 school work to entitle him to an eighth grade diploma;

(b) Any child who has received an eighth grade diploma from the public schools;

(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;

(d) Children over fourteen years of age 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;

(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 then this exemption shall not apply;

(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.

Am. 1907, Act 74.

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 Jackson v. Mason, 145/338.

(245) SEC. 2. The sheriff 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 of 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 sheriff, 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 a deputy 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 sheriff. 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

Truant officer, sheriff to appoint.
To file bond, etc.

Officer, how known, duty.

Proviso, in cities having police force.

Proviso, in graded school districts.

Further proviso, township unit district in U. P.

Proviso, when county truant officer to act.

Officers to give bonds, where filed, etc.

Compensation, how paid.

Proviso. 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.

Am. Id.

Census list, etc., director to furnish teacher.

(246) 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 the school, with a copy of the last school census, together with the name and address 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;

Duty of teacher.

Superintendent of schools, when and by whom furnished census, duty.

(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, 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 school and whose names are not included in such census;

Truant officers, duty of.

(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 is provided in section four of this act;

Violation a misdemeanor.

(d) In case any 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 imprisoned 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. Id.

(247) 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;

Commissioner of schools, duty of.

(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;

Notice to parent.

Notice, what to state.

Notice to teacher or superintendent.

(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 city, village or township where such party resides, or in an adjoining township or city in such county, 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 pro-

Truant officers, duty of.

Complaint.

Warrant.

Conviction.

Proviso,
recorder's
court.

visions 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;

Assistance
rendered
officer.

(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.

Am. 1907, Act 74; 1909, Act 63.

School boards
may establish
ungraded
schools.

(248) 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.

May require
attendance.

Juvenile dis-
orderly per-
sons, who
deemed.

(249) 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.

An Act to provide for the compulsory education of deaf children.

[Act 48, 1907.]

The People of the State of Michigan enact:

When children
sent to school
for the deaf.

(250) 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: *Provido.* 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.

(251) 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. *Transportation given poor children.*

(252) 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. *Sums, how paid and where charged.* *Certain act to apply.* *Penalties.*

An Act to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith.

[Extract from Act 123, 1893.]

(253) § 2015. 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 *Time may remain in school.* *Dismissal and transfer.*

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.

Am. 1907, Act 116.

Duty of secretary of state.

(254) § 2017. 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.

Census enumerator.

List of names of blind children, by whom made, verified, etc.

(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

To whom forwarded.

Duty of supt. public instruction.

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:

When children to be sent to Michigan school for blind.

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 en-

Duty of superintendent of school.

Truant officer.

When superintendent to notify truant officer.

When to enforce act.

force 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.

Proceedings
in indigent
cases.

(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 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 ap-
plicable.

Am. Id.

MISCELLANEOUS OFFENSES.

An Act to prevent crime and to punish truancy.

[Act 222, 1887.]

The People of the State of Michigan enact:

(255) § 11765. 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

What chil-
dren deemed
truants or
disorderly
persons.

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.

(256) § 11766. 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 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 any circuit judge or probate judge of the county in which such conviction shall be had.

Who to make
complaint.

Term of
sentence.

Proviso as
to approval
of sentence.

Am. 1899, Act 75.

(257) § 11767. 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

Proceedings
upon trial.

Duty of
State agent.

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.

An Act to provide for the punishment of persons responsible for or contributing to the delinquency of children.

[Act 314, 1907.]

The People of the State of Michigan enact:

Parents, etc.,
of delinquent
children, re-
sponsibility
of, penalty.

(258) 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.

Proviso as to
suspension of
sentence.

An Act to provide for the protection of children.

(From this act only such portion is quoted as relates directly to students in schools.)

[Act 260, 1881.]

Minors or
students, not
permitted in
saloon, etc.

(259) § 5554. 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 un-

lawful 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.

Am. 1905, Act 236; 1907, Act 55; 1909, Act 203.

EMPLOYMENT OF CHILDREN.

[Extract from Act 285, 1909.]

(260) 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 fourteen 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, theater, passenger or freight elevator, factory or workshop, telegraph or messenger service within this state. It shall be the duty of every mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, 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, birth place, 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 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 some one duly authorized by him in writing, or by the person in charge of any state employment bureau, each of whom shall have power to administer oaths in relation thereto, or by the probate judge of the county or the judge of the juvenile court of the city wherein such child resides. Such permit shall be returned to the child upon leaving such employ. The said register and permit shall be produced for inspection on demand of any factory

Child under 20 years, liquors.

Child under 14 years, labor prohibited.

Register in which to record name, age, etc.

Permit, unlawful to hire without.

Who may issue.

When returned. Register and permit, inspection of.

- inspector appointed under this act; no fee shall be charged for such permit 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 to issue such permit shall not issue the same until he has received, examined, approved and filed the following papers, duly executed:
- Liberty of employer complying.** (a) The school report of said child properly filled out and signed as hereinafter provided;
- Issue of permit.** (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;
- School report.** (c) The sworn statement showing the date and place of birth of such child made by the parent or guardian or by the child in case it has no parent or guardian, which shall be required, however, only in case the above mentioned official or religious record cannot be produced, which sworn statement must be made only before the officer issuing the permit, and shall be accompanied by a statement as to date and place of birth, if it can be obtained, signed by the physician or midwife attending at such birth;
- Birth record, etc.** (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 fourteen years of age or upwards, 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. In doubtful cases such physical fitness 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 papers required by the preceding section have 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 had attended, and shall be furnished on demand to a child
- Sworn statement by parent, etc.**
- Statement by issuing officer.**
- Permit, how signed, what to contain.**
- School record, how signed.**

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 fourteen 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 language, and has received during such period instructions in reading, writing, spelling, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including elementary operations in fractions. 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 parent or guardian or custodian;

What to contain.

(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 fine of not less than ten nor more than one hundred dollars or imprisonment 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.

Penalty.

TEACHERS' ASSOCIATIONS.

An Act to incorporate teachers' associations.

[Act 117, 1855.]

The People of the State of Michigan enact:

(261) § 7730. 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.

Fifteen or more teachers may form corporation.

Notice to be published.

(262) § 7731. 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

May hold property.

Restrictions upon its use.

be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Privileges and liabilities of corporations.

(263) § 7732. 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.

Chap. 55 referred to is sections 8527-51, C. L. 1897.

STATE ACCOUNTS.

An Act to provide for the safe keeping of public moneys.

[Act 131, 1875.]

The People of the State of Michigan enact:

“Public moneys” defined.

(264) § 1197. 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.

See Fire and Water Commrs. v. Wilkinson, 119 / 659.

As to county treasurers, see Perley v. Muskegon Co., 32 / 132. See also section 2539, C. L. 1897, and notes.

Public moneys to be kept separate from all other funds.

(265) § 1198. 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.

How used.

(266) § 1199. 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.

Interest on public moneys to constitute a general fund.

(267) § 1200. 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 consti-

tute a general fund of the state, county, or other public or municipal corporation, as the case may be.

(268) § 1201. 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.

Officers not to receive consideration for deposits of money.

(269) § 1202. 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.

Provisions of act to apply to deputies, etc.

(270) § 1203. 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.

Penalty for violating provisions of act.

Proviso.

(271) § 1204. 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.

Penalty for illegal payment of money.

REGULATIONS RELATIVE TO DOGS AND SHEEP.

(From this chapter we quote only the section relating to the apportionment of the surplus dog tax to school districts.)

[Act 48, 1901.]

(272) SEC. 6. At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk as aforesaid, during the preceding year, and if satisfied that in any case or cases, the certified damages are excessive, they may reduce the same to such amount as they may deem just, and may order the payment of all such loss as they may consider just out of the fund aforesaid, if it be sufficient for that purpose, and if not sufficient, they may order a proportionate payment of each claim. If the money in the fund aforesaid shall not be sufficient to pay all claims in full the balances on said claims remaining unpaid shall stand as claims against the aforesaid fund at the succeeding annual meetings of said board, or said council, as the case may be, until said claims are paid in full, and the

Damage certificates, examination of, etc.

Proportionate payment of claims.

Apportionment of excess money.

Amount may retain.

Proviso. 1

claims filed each year shall take priority over claims of succeeding years until they have been paid in full, those claims of each year being paid in full or by a proportionate payment, as the state of said fund will permit. If money remains of such fund after satisfactory payment of all claims aforesaid in any one year, over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age, unless the township board or the city council shall determine to retain an amount of such money so remaining not to exceed three hundred dollars, in which case only the amount over and above the sum so determined shall be so apportioned: Provided, That no payment of loss shall be made as provided for in this section, unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage, or shall make it appear that he is unable to ascertain who are the owners or who is the owner of said dog or dogs.

Am. 1907, Acts 43 and 331.

EXPLANATORY NOTE BY SUPERINTENDENT OF PUBLIC INSTRUCTION: The apportionment must be based upon the whole number of children of school age residing in the township, and include all districts whether lying wholly or partly in such township. In case of a fractional district in which the schoolhouse is situated in a different township, the money belonging to such district must be paid over to the treasurer of the township in which the schoolhouse is situated, and by that treasurer paid to the district in the same way as in the case of the one-mill and other taxes.

STATE BOARD OF EDUCATION.

An Act to revise and consolidate the laws relative to the state board of education.

[Act 194, 1889.]

The People of the State of Michigan enact:

To be a body corporate.

To hold property of normal school, etc.

(273) § 1812. 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 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: Proviso. Provided, The same be not repugnant to the constitution or laws of this state or of the United States: Further proviso. 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.

Chapter 55 of the revised statutes of 1846 contains the "general provisions relating to corporations" and will be found in Chapter 230, sections 8527-51, compiled laws 1897. See acts 138 and 178 of 1849, establishing a state normal school.

(274) § 1813. SEC. 2. Said board shall have power to Power of board. 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. Quorum. Processes.

(275) § 1814. 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: Of the normal school. 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. Proviso.

(276) § 1815. 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.

(277) § 1816. 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.

(278) § 1817. 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 Certificate to teach, when granted, term of, etc.

the heads of the departments of said school, grant a certificate which shall be signed by said board and the principal of the 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.

(279) § 1818. 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 the 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.

Proviso.

(280) § 1819. 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.

To appoint visitors, report of, etc.

(281) § 1820. 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.

(282) § 1821. 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.

(283) § 1822. 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.

Treasurer, how elected; bond, amount of.

Cost of bond.

Compensation.

Am. 1909, Act 224.

(284) § 1823. 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.

Board to have control of funds, etc.

(285) § 1824. 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 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.

(286) § 1825. 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.

Meetings of board to grant certificates.

(287) § 1826. SEC. 15. Said board shall hold at least two meetings 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 prescribed: 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.

Certificate.

Proviso, indorsement of certain certificates.

Am. 1907, Act 125.

Certain text-books, etc., duty of board relating thereto.

(288) § 1827. 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.

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 61 of this compilation.

(289) § 1828. 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.

(290) § 1828a. 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.

Added 1901, Act 155.

NORMAL SCHOOLS.

An Act to establish a normal school in central Michigan.

[Act 261, 1895.]

The People of the State of Michigan enact:

(291) § 1829. 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.

(292) § 1830. 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

State board of education to procure deed of conveyance, etc.

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.

Schools to be under control of state board of education.

(293) § 1831. 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 273-290.

An Act to change the name of the "Michigan State Normal School" to "Michigan State Normal College."

[Act 52, 1899.]

The People of the State of Michigan enact:

Change of name of normal school at Ypsilanti.

(294) 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, 1899.]

The People of the State of Michigan enact:

Name of school.

Purpose.

Selection of site.

Area and location.

(295) 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.

(296) 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.

Deed or conveyance.

Sections 3, 4 and 5 provided appropriations for buildings and maintenance of the school.

(297) 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, 1903.]

The People of the State of Michigan enact:

(298) 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.

(299) 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, how and by whom secured.

site a sum not exceeding one dollar, to be drawn on 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.

(300) 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 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, 1903.]

The People of the State of Michigan enact:

Powers of
board.

(301) 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.

Proviso.

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.

An 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, 1899.]

The People of the State of Michigan enact:

(302) 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 Michigan state agricultural college at Lansing, the Michigan college of mines, or the manual training schools of this state.

Number
that may
incorporate.

(303) 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.

Manner of in-
corporation.

(304) SEC. 3. The articles of association shall contain: First, The names and places of residence of the persons associated in the first instance;

Articles of
association.

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.

(305) 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

General
management.

Classification
of trustees.

- 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.
- (306) 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.
- (307) 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 dissolved, but it shall and may be lawful on any other day to hold an
- By-laws.
- Amendments.
- Funds of corporation.
- May receive real and personal estate.
- May specify kinds of securities.
- Election of officers.

election of officers, directors or trustees, in such manner as may be directed by the articles of association and by-laws of said corporation.

(308) 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 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, 1899.]

The People of the State of Michigan enact:

(309) 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.

(310) 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.

(311) 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

Reports to commission.

be reasonable and convenient, as to time and form such rules as the board may prescribe.

Sections 4 and 5 of this act are repealed by the act following.

APPROPRIATION FOR STATE BOARD OF LIBRARY COMMISSIONERS.

[Extract from Act 274, 1909.]

Appropriation.	<p>(312) SECTION 1. There is hereby appropriated for each of the fiscal years ending June thirty, nineteen hundred ten, and June thirty, nineteen hundred eleven, the sum of four thousand eight hundred dollars to be expended by the state board of library commissioners, as follows: For secretary and clerical assistance, sixteen hundred dollars; for defraying expenses of organizing libraries and of conducting library institutes and training schools, two thousand dollars; for traveling expenses of organizer, eight hundred dollars; supplies and incidentals, four hundred dollars. Instructors suitable for this work shall be selected by the board and all the expenses incurred thereby, together with the expenses of said board, whether within or outside the state, including traveling expenses of its members, supplies and incidentals necessary for the work, shall be paid out of the appropriation: Provided, The printing and binding necessary to carry on the work of the said board shall be furnished by the board of state auditors, and paid for out of the general fund as other state printing and binding is paid for. No member of the state board of library commissioners shall receive any compensation for his services, except that the board may appoint one of their number to act as secretary and such secretary may receive such sum as shall be agreed upon by the board.</p>
Purposes.	
Instructors, selection of, etc.	
Proviso.	
Compensation.	

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, 1899.]

Annual report of superintendent of public instruction.	<p>(313) 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</p>
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* Remainder of title, repealing clause.

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.

To whom distributed.

Number of pages.

State course of study.

Institute outlines.

Am. 1901, Act 31; 1903, Act 225.

Section 30 of the above act provides for the distribution of the legislative manual (red book), and the list includes one copy for each of the following: Each district, graded, and city public school; each public library other than school library; each township, village, and city clerk, and the county commissioner of schools.

(314) 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 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

Duty of county commissioners.

Expense of distribution.

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.

Receipt to
secretary
of state.

(315) 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 township 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.

Notification
by secretary
of state.

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.

RURAL HIGH SCHOOLS.

An Act to provide for the establishment and maintenance of rural high schools.

[Act 144, 1901.]

The People of the State of Michigan enact:

(316) 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, 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.

(317) 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."

Elections held at usual place.

Notice given.

Election, how conducted.

(318) 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.

Board of trustees, when elected, terms of office.

Proviso, rural high schools.

Ex-officio members.

Am. 1909, Act 97.

(319) 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:

Board of trustees, meetings.

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-resi-

dent 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 commissioner 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.

(320) SEC. 5. The secretary of the board shall receive not to exceed fifty dollars per annum for his services. 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. .

Salary of secretary.
Duty of secretary.

(321) 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.

(322) 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.

(323) 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.

QUALIFICATIONS OF KINDERGARTEN, MUSIC AND DRAWING TEACHERS.

An Act to define the legal qualifications of kindergarten, music, and drawing teachers in the state.

[Act 166, 1901.]

The People of the State of Michigan enact:

(324) SECTION 1. Any person who is a graduate of any kindergarten training school, whose course of study 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 of the state or from a high school having a four years' high school course, may be granted a kindergarten certificate by said superintendent of public instruction, and such person holding such certificate shall be considered a legally qualified kindergarten and first grade teacher; and any district board shall be authorized to pay such teacher for kindergarten and first grade instruction from the same fund, and in the same manner as other teachers are now paid.

Kindergarten certificate, who may be granted.

Pay authorized.

Music teacher,
who eligible.

Drawing
teacher.

How paid.

Proviso.

(325) SEC. 2. Any person who has finished a course of at least two years in music 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; and any person who has finished a course of at least one year in drawing in any of the aforesaid institutions, 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 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 music or in drawing from the same fund and in the same manner as other teachers are now paid: Provided, That cities organized under special law or charter and maintaining kindergarten training schools, having a three years' course, shall be exempt from the provisions of this act.

Am. 1905, Act 24.

Music teacher's
certificate.

(326) 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.

Added 1905, Act 24.

INFORMATION REGARDING LIBRARIES.

An Act to secure information regarding all public or school libraries in this state.

[Act 134, 1903.]

The People of the State of Michigan enact:

Librarian to
make an-
nual report.

(327) 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.

To whom
county com-
missioner of
schools to
transmit list.

(328) 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 transmit 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, 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, 1909.]

The People of the State of Michigan enact:

(329) SECTION 1. The 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 one of the three nearest high schools of any children residents of said district who have completed the studies of the eight grades, not exceeding in amount twenty dollars per pupil, unless the voters appropriate a larger sum at the annual meeting, 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 resides to the treasurer of the district where the high school attended is located: Provided, That the parents of such children shall give written notice to the board of education on or before the fourth Monday of June that they are the parents or legal guardians of such children and that such children desire to attend some certain one of the three nearest high schools during the ensuing year. Upon receiving written notice of children eligible to attend high schools the 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 further, 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.

Tax for payment of tuition.

Amount.

Proviso.

Tax for tuition and transportation.

Further proviso.

Tax to be reported.

(330) 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.

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, 1903.]

The People of the State of Michigan enact:

When and how established.

(331) 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 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.

Proviso.

Further proviso.

County normal board, how constituted.

(332) 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.

(333) 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.

(334) SEC. 4. The certificates of graduation shall qualify the holder to teach in the public schools as follows: Certificates of graduation.

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 any certificate shall become valid as above specified in any other county when indorsed by the authority that grants certificates in such county; Proviso.

Second, A certificate of graduation may be renewed or revoked by a majority vote of the county normal board.

Am. Id.

(335) SEC. 5. For the purpose of maintaining such normal training classes as are herein prescribed, it is further provided: Maintenance of training classes.

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; District to provide teachers, rooms, etc.

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 of 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 five hundred dollars for each teacher employed in the training school, to be paid out of the general fund: *Provided*, That in no case shall the total of such appropriation exceed one thousand dollars in any county during any school year; When state to reimburse district.

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; Amount. Proviso. Board to estimate expenses.

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: *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. Supervisors to make appropriation. Proviso.

Am. Id.

Commissioner
of schools,
duty of.

(336) 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: Provided, That such order shall not exceed the amount appropriated by the board of supervisors according to the provisions of this act.

When clerk to
draw order.

Proviso.

Am. Id.

Disposal of
re nainder
of fund.

(337) 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.

COUNTY SCHOOLS OF AGRICULTURE.

An Act to provide for the establishment of county schools of agriculture, manual training and domestic economy.

[Act 35, 1907.]

The People of the State of Michigan enact:

Duty of
board of
supervisors.

(338) SECTION 1. The board of supervisors of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy. The board of supervisors of two or more counties may unite in establishing such a school, and may appropriate money for its organization, equipment and maintenance: Provided, That whenever the board of supervisors of the county shall by a two-thirds vote of all members elect, resolve to contract indebtedness 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 each 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

Proviso,
election.

Notice,
how given.

Canvass of
returns.

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.

(339) 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 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.

County school board created, powers.

Of whom composed.

Vacancies, how filled.

Oath, where filed.

Bond.

Organization of board.

(340) 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

Proceedings when two or more counties unite in establishing. Proviso.

term of two years, but no member of the county board of supervisors shall be eligible.

County school board to apportion expenses.

(341) 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.

Tax levy.

Treasurer of board, duties.

(342) 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.

Instruction to be given.

(343) 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.

School to have land.

(344) 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 be free.

(345) 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.

"Special classes."

Superintendent of public instruction, duty of.

(346) 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 em-

President agricultural college.

ployed 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.

Proviso as to superintendent of school.

(347) SEC. 10. Any school established under the provisions of this act, whose course of study and 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 one hundred 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: Provided, That he shall not place upon said list more than one school. On the first day of July in 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: Provided, That the total sum so apportioned shall not exceed four thousand dollars to any one school in any one year: 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. 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

Approved list, when eligible to.

Duration.

Proviso, annual report to superintendent.

Certificate to auditor general.

Warrant of amount.

Proviso, limit.

Further proviso.

When more than one county supports school.

Tax clause. amount contributed by his county is part of the total amount contributed by all of the counties for the support of the school for the preceding year. The auditor general shall annually, beginning in the year nineteen hundred ten, include and apportion in the state tax such sum as shall have been so paid.

Added 1909, Act 219.

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, 1905.]

The People of the State of Michigan enact:

Day schools for deaf, when established, etc

(348) 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.

Report to superintendent of public instruction.

(349) 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.

Annual budget.

(350) 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

State treasurer to reimburse district.

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.

Proviso as to amount.

Proviso as to title.

(351) 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.

Vouchers, what to show, etc.

To be forwarded to superintendent of public instruction.

(352) 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.

Employment of teachers, etc.

"Oral" system to be taught.

(353) 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.

Deaf, who considered.

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, 1905.]

The People of the State of Michigan enact:

Bond required for payment of subcontractors.

(354) 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, contracting 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.

Subcontractors to give written notice.

(355) 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 such 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.

When entitled to benefit of security, etc.

Bond, to whom executed, sureties, by whom approved, etc.

(356) 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 sub-contractor 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, improvement 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.

Proviso.

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.

(357) 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.

Recovery to be had on bond.

Proviso.

Further proviso.

CITIES OF FOURTH CLASS.

An Act to provide for the incorporation of cities of the fourth class.

[Extract from Act 215, 1895, Chap. XXXII.]

(358) § 3338. 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 per-

City to constitute single school district.

sonal property as is authorized to be purchased, acquired or disposed of by this chapter: Provided, That if in any village re-incorporated as a city or any city re-incorporated 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 shall not 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 re-incorporated.

Am. 1905, Act 106.

Board of education, of whom to consist.

Annual election.

Term of office.

(359) § 3339. 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.

Am. 1905, Act 231.

Manner of conducting annual election of trustees.

Notice of election.

(360) § 3340. SEC. 3. Such annual election of school trustees, as above provided, shall be held at such place in each city as the board of education shall designate. In the designation of such place, it shall be the duty of the said board to choose a place most convenient for the accommodation of the voters. 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 the names of candidates upon the ballots; the printing of the ballots; erection of booths, etc., in the same 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 for the township board at annual township meetings. Notice of the time and place of holding such election shall be given by the secretary of the board at least 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, 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. 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.

Nomination petitions.

Position of candidates on ballot.

Ballots, form of, etc.

Am. 1907, Act 110.

(361) § 3341. SEC. 4. The president and secretary of the board of education and one other trustee to be designated by the board, if not candidates for election, shall constitute a board of inspectors of such election, and if any of said three trustees be so disqualified, or shall not be present at the time of 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. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the board of inspectors; in his absence the inspectors shall elect one of their number as such chairman. The qualifications of voters at such election, or at any school district meeting shall be such as are or may hereafter be prescribed by the general school laws. The board of inspectors shall have the same authority and power in maintaining and enforcing order and obedience to their 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.

Inspectors of election.

Chairman of inspectors.

Qualifications of voters.

Authority of inspectors.

Am. Id.

(362) § 3342. SEC. 5. The board of inspectors shall make a poll list of the names of persons voting at such election. They shall also have the last school census present at such election open for inspection by any citizen; they shall also have the right of access to the registration books of the sev-

Duties of inspectors.

eral wards of the city, if they deem it necessary, and for that purpose they may require the city clerk to attend such election with such registers.

Am. Id.

COMMISSION ON INDUSTRIAL EDUCATION.

An Act to provide for a state commission on industrial education including elementary training in agriculture.

[Act 228, 1909.]

The People of the State of Michigan enact:

Commission, how ap- pointed.	(363) SECTION 1. The governor of the state of Michigan, by and with the consent of the senate, is hereby empowered to appoint a commission of not less than five, nor more than seven members, to be known as the Michigan commission on industrial and agricultural education.
When to organize.	(364) SEC. 2. This commission, immediately after appointment, shall organize by choosing from its own membership a chairman and secretary.
Duties of.	(365) SEC. 3. It shall be the duty of this commission to make a careful study of the conditions of elementary, industrial and agricultural education in the state of Michigan, whether under public school or other auspices, including the study of conditions of labor as they affect children between the ages of fourteen and eighteen, and it shall further be the duty of this commission to present a report showing these conditions, with recommendations for such a plan of elementary, industrial and agricultural training in connection with the public schools of the state as shall, in their judgment, best meet the conditions shown to exist; this report to be rendered in triplicate to the governor, the state superintendent of public instruction and the state commissioner of labor on or before January one, nineteen hundred eleven.
To report.	
In triplicate.	
Expiration of commission.	(366) SEC. 4. The members of this commission shall serve without pay, and the commission shall maintain its organization until July one, nineteen hundred eleven, when said commission shall expire by limitation, unless renewed by subsequent act of the legislature.

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, 1909.]

The People of the State of Michigan enact:

(367) 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.

Sites for school, etc., commissioner may sell.

Application.

Proviso.

Further proviso, use.

EXEMPTION OF BONDS FROM TAXATION.

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, 1909.]

The People of the State of Michigan enact:

(368) 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.

Bonds, exempt from taxation.

Sec. 2 repeals inconsistent acts.

APPENDIX.

APPENDIX.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAWS.

FORM No. 1.

Notice by the clerk of the township board to a taxable inhabitant of a district of the time of its formation.

[See sections 28, 29.]

To A..... B.....

SIR—The township board of the township of have formed a school district in said township, to be known as district No. and bounded as follows: [Here insert the description.]

The first meeting of said district will be held at, on the day of 19., at o'clock, ... M, and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally or by leaving a written notice at his place of residence. You will indorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this day of, 19....

(Signed.)

C D.....,
Clerk of the Township Board.

FORM No. 2.

Notice of first meeting—when made in writing to be left at the house of every legal voter.

[See sections 28, 29, 43.]

To C..... D.....

SIR—School district No. of the township of having been formed by the township board, you, as a legal voter in said district, are hereby notified that the first meeting thereof will be held at, on the day of, 19., at o'clock ... M.

Dated this day of 19....

(Signed.)

A..... B.....,
[The person appointed to give notice.]

FORM No. 3.

Endorsement upon the notice (Form No. 1) by Taxable Inhabitant.

[See sections 28, 29, 43.]

I, A..... B....., hereby return the within (or annexed) notice, having notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A.....B.....	January 1, 1910....	Personally.
C.....D.....	January 1, 1910....	Written notice.
E.....F.....	January 2, 1910....	Personally.
.....
.....

Dated this day of 19...

(Signed.)

A..... B.....

FORM No. 4.

Notice by Township Clerk to Director, of Alteration in District.

[See section 37.]

To the Director of School District No., Township of

SIR—At a meeting of the township board of the township of held 19..., the boundaries of school district No., township of, were altered in such manner that the territory of said district now includes the following: [Here insert the description.]

Dated this day of 19...

(Signed.)

C..... D.....
Clerk of the Township Board.

FORM No. 5.

Notice of Meeting of Township Board.

[See section 34.]

NOTICE—A meeting of the township board of the township of will be held at, on the day of 19..., at o'clock ... M., for the purpose of [here insert every object that is to be brought

before the meeting, and if for the purpose of changing boundaries of districts, state the alterations proposed.]

Dated this day of 19...

(Signed.)

A..... B.....,
Clerk of the Township Board.

FORM No. 6.

Appointment of District Officers by Township Board.

[See section 49.]

The undersigned members of the township board of the township of, do hereby appoint A..... B..... [*director, moderator or treasurer, as the case may be*] of school district No., in said township, the district board having failed to appoint.

Dated this day of 19...

C..... D.....,
E..... F.....,
G..... H.....,
Township Board.

FORM No. 7.

Notice to Township Board requesting it to fix School Site.

[See section 102.]

To the Township Clerk of Township:

You are hereby notified that the legally qualified voters resident in school district No., township of, county of, are unable to fix a school site for said district and you are hereby requested to call a meeting of the township board of the township of, for the purpose of fixing a site for said school district.

Dated this day of 19...

(Signed.)

A..... B.....,
Director.

FORM No. 8.

Certificate to be given to the Director of a School District, by the Township Board when it establishes a Site.

[See section 102.]

The inhabitants of school district No., township of, having failed, at a legal meeting, to establish a site for a schoolhouse, the town-

ship board hereby certifies that it has determined that the said site shall be as follows: [Here insert description.]

Given under our hands this day of, 19...

A..... B.....,
C..... D.....,
E..... F.....,
Township Board.

FORM No. 9.

Notice to Township Board of consent to consolidation of School Districts.

[See section 35.]

To the Township Clerk of Township:

SIR—At a meeting of the legally qualified voters of school district No..... township of, held, 19..., the question of disbanding the present organization of said district and uniting its territory with that of other school districts was submitted. resident taxpayers of the district were present. The result of the vote was as follows: Number of votes in favor of disbanding the district; number of votes opposed to disbanding the district You are hereby notified that a majority of the resident taxpayers of said school district No. of the township of has consented to the disbanding of said district and the consolidation of its territory with other districts and you are hereby requested to call a meeting of the township board of township at the earliest possible date to dispose of the territory and property of said school district No., township of

Dated this day of 19...

(Signed.)

A..... B.....,
Director.

FORM No. 10.

Petition by resident taxpayers of the School District, giving consent to the disbanding of School District and consolidation of territory.

[See section 35.]

....., Michigan,, 19...

To the Township Board of Township, County of, State of Michigan:

The undersigned, resident taxpayers of the school district No., in the township of, do hereby give consent that the organization of said school district No., township of, shall be dissolved and that the territory of said school district No. of the township of shall be divided or consolidated with other school districts as in the judgment of the township board may be deemed best.

(Signatures.)

.....
.....
.....

FORM No. 11.

Notice of Annual Meeting.

[See sections 40, 42, 67.]

NOTICE—The annual meeting of school district No. of the township of, for the election of school district officers and for the transaction of such other business as may lawfully come before it, will be held at, on Monday, the day of July, 19..., at o'clock ... M.

Dated this day of June, 19...

(Signed.)

A..... B.....,
Director.

FORM No. 12.

Request to be made by five Legal Voters of a District to the District Board for a Special Meeting.

[See section 41.]

To the District Board of School District No. (or to A B..... one of the District Board):

The undersigned, legal voters of school district No. of the township of, request you, in pursuance of section 15, of chapter II of the general school laws of 1881, to call a special meeting of said district, for the purpose of

Dated this day of 19...

(Signed.)

C..... D.....,
 E..... F.....,
 G..... H.....,
 I..... K.....,
 L..... M.....

FORM No. 13.

Notice of Special Meeting.

[See sections 41, 42.]

NOTICE—A *special meeting* of the legal voters of school district No., in the township of, called on the written request of five legal voters [or called by the district board, as the case may be], will be held at, on the day of, 19..., at ... o'clock ... M., for the purpose [here insert every object that is to be brought before the meeting.]

(Signed.)

A..... B.....,
Director.

FORM No. 14.

Appointment of District Officers by District Boards.

[See sections 49, 121, 218.]

The undersigned, members of the district board of school district No., township of, do hereby appoint A..... B..... [director, moderator, or treasurer, as the case may be] of said district to fill the vacancy created by the [removal, resignation or death, etc.] of C..... D....., the late incumbent.

Dated this day of 19...

E..... F....., G..... H.....

FORM No. 15.

Acceptance of office by District Officers, to be filed with the Director.

[See sections 51, 121, 139, 216.]

I do hereby accept the office of in school district No. of the township of

Dated this day of, 19...

(Signed.) A..... B.....

FORM No. 16.

Affidavit of District Officers to accompany acceptance.

[See section 51.]

STATE OF MICHIGAN, }
COUNTY OF..... } ss.

....., being duly sworn, says that he has been elected to the office of in school district No. of the township of..... that he is a legally qualified voter in school meetings of said district, that his name appears on the assessment roll of township and of said district, and that he is the owner in his own right of the property so assessed.

Subscribed and sworn to before me,
a, this day of
....., A. D. 19...

My commission expires

FORM No. 17.

Treasurer's Bond.

[See sections 72, 217.]

KNOW ALL MEN BY THESE PRESENTS: That we, A..... B..... treasurer of school district No., township of, county of and state of Michigan, and

[his sureties], are each held firmly bound unto said district in amounts as follows: C..... D..... \$......; E..... F..... \$......; G..... H..... \$......; I..... J..... \$......, etc., the total amount of the bond being to be paid to said district; for the payment of which sums and sum well and truly to be paid, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of the above obligation is such that if the said treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school district, and shall well and truly pay over to the person or persons, entitled thereto upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Sealed with our seals and dated this day of, 19...

A..... B....., [L. s.]
C..... D....., [L. s.]
E..... F....., [L. s.]
G..... H....., [L. s.]

Signed, sealed and delivered in presence of

.....
.....

We approve the within bond.

(Signed.)

K..... L....., Moderator.
M..... N....., Director.

Justification of Sureties on the foregoing Bond.

C..... D..... and E..... F..... and G..... H..... and I..... J....., the sureties, whose names are subscribed to the above bond, being duly sworn, each for himself, says that he is a resident in said county and is worth the sum specified after his name in said bond, over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me, a in and for said county, this day of, 19...

My commission expires.....

FORM No. 18.

Order upon the Treasurer for Moneys to be disbursed by him, with Receipt attached.

[See sections 67, 72.]

Treasurer of School District No., Township of

SIR—Pay to the sum of dollars out of... any moneys in your hands belonging to the [here insert name of fund on which order is drawn, as "teachers' wages," general, etc.] fund, on account of [here state the object for which the order was drawn.]

Dated this day of, 19...

A..... B.....,
Director.

[Countersigned]

C..... D....., *Moderator.*

Received of E..... F....., treasurer of school district No. the amount specified in the above order.

G..... H.....

FORM No. 19.

Warrant upon Township Treasurer for moneys belonging to School District.

[See sections 67, 72, 85, 224.]

Treasurer of the Township of.....:

SIR—Pay to A..... B....., treasurer of school district No. in said township, the sum of dollars, out of [here insert the particular fund], in your hands belonging to said district.

Dated this day of, 19...

C..... D.....,
Director.

[Countersigned]

E..... F....., *Moderator.*

FORM No. 20.

Notice to Township Clerk of the establishment of school district library.

[See section 131.]

To the Township Clerk of Township:

You are hereby notified that school district No. of the township of at the annual [or special] meeting held on the day of....., 19..., voted to establish a district library under the provisions of section 4757, C. L. 1897, as amended. You are hereby requested to apportion to said

school district its just proportion of any books now in the township library of township according to the number of children in this district.

(Signed.)

A..... B.....,
Director.

FORM No. 21.

Notice to Township Clerk of taxes voted by School District.

[See section 46.]

To the Clerk of the Township of, County of

You are hereby notified that at the (annual or special) meeting of legally qualified voters of school district No., township of, the following taxes were voted to be spread upon the property of the district for the ensuing year under the provisions of section 4665, C. L. 1897, as amended:

- For school sites \$.....
- For building schoolhouse
- For repairs
- For necessary appendages
- For library
- For indebtedness
- For transportation of pupils
- [Specify other items.]

Total tax \$.....

Said sums you will report to the supervisor to be assessed upon the taxable property of said district in accordance with the provisions of law.

Dated at this day of, 19...

A..... B....., Director.
C..... D....., Moderator.
E..... F....., Treasurer.

FORM No. 22.

Notice to Township Clerk of taxes voted by District Board under the provisions of section 55.

[See section 55] .

To the Clerk of the Township of, County of

You are hereby notified that the district board of school district No....., township of, at a meeting of said board held on the day of, 19....., estimated and voted taxes for teachers' wages, fuel, incidental expenses and deficiencies, to be levied upon the property of said school district for the ensuing year as follows:

- Teachers' wages \$.....
- Fuel
- Incidental expenses
- Deficiencies
- Flag and flag staff
- Free textbooks
- Officers' salaries
- Tuition

Total \$.....

Said sums you will report to the supervisor to be assessed upon the taxable property of said district in accordance with the provisions of law.

Dated at, this day of, 19....

A..... B....., *Director.*
 C..... D....., *Moderator.*
 E..... F....., *Treasurer.*

FORM No. 23.

Notice by the Township Treasurer to the Township Clerk of moneys to be Apportioned to Districts.

[See sections 85, 86.]

To the Clerk of the Township of, County of

SIR—I have now in my hands for apportionment to the several school districts of this township the following moneys:

Primary school interest fund \$.....
 Library moneys received from county treasurer
 One-mill tax
 Surplus dog tax
 District taxes
 Special funds

Dated this day of, 19....

A..... B.....,
Township Treasurer.

FORM No. 24.

Notice by the Township Clerk to the Township Treasurer, of the Apportionment of Moneys to Districts.

[See sections 76, 77.]

To the Treasurer of the Township of, County of

SIR—Herewith find a statement of the number of children of school age in each school district of this township, entitled to draw public moneys, and the amount of moneys apportioned to each of said districts:

Districts.	No. of children in district.	Primary school interest fund.	Library moneys.	One-mill tax.	Surplus dog tax.	District taxes.	Special funds.	Total to each district.
District No. 1.....		\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
District No. 2, fr'l.....								
.....								
.....								
Total.....		\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

Dated this day of, 19....

A..... B.....,
Township Clerk.

FORM No. 25.

Notice by Township Clerk to Directors, of Moneys belonging to the Districts.

[See section 77.]

A..... B....., Director, School District No., Township of

SIR—The amount of school moneys apportioned to school district No., township of, is as follows:

Primary school interest fund	\$.....
Library moneys received from county treasurer
One-mill tax
Surplus dog tax
District taxes
Special funds
Total	\$.....

Dated this day of, 19...

A..... B.....,
Township Clerk.

FORM No. 26.

Certificate by the Township Clerk to the Supervisor, of district taxes to be assessed.

[See section 75.]

Supervisor of the Township of, County of

SIR—I hereby certify that the following is a correct statement of moneys proposed to be raised by taxation for school purposes in each of the several school districts of this township, as the same appears from the reports of the district boards of the several districts now on file in my office:

Districts.	For teachers' wages.	For building purposes.	For repairs.	For paying indebtedness.	For fuel.	For library.	For apparatus.	For incidental expenses.	For	Total.
District No. 1.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
District No. 2, fr'l.....
.....
.....

Which amounts you will assess upon the taxable property of each of said districts in accordance with the provisions of law.

Dated this day of, 19...

A..... B.....,
Township Clerk.

FORM No. 27.

Deed to school district.

[See section 54.]

KNOW ALL MEN BY THESE PRESENTS: That A..... B..... and C..... D....., his wife, of the township of county of and state of part... of the first part, for and in consideration of the sum of dollars, to paid by the district board of school district No....., of the township of county of, and state of Michigan, the receipt whereof is hereby acknowledged, do ... hereby grant, bargain, sell, and convey to school district No. aforesaid, the party of the second part, and their assigns forever, the following described parcel of land, namely [here insert description]; together with all the privileges and appurtenances thereunto belonging, to have and to hold the same to the said party of the second part and their assigns forever. And the said part.. of the first part for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree, to and with the said party of the second part and their assigns, that, at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the said lands and premises are free from all encumbrances, whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part and their assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever warrant and defend.

In witness whereof, the said A..... B..... and C..... D....., his wife, party of the first part, have hereunto set their hands and seals, this day of 19...

A..... B....., [SEAL]
 C..... D....., [SEAL]

Signed, sealed and delivered in presence of
 E..... F.....
 G..... H.....

STATE OF }
 County of } ss.

On this day of, in the year one thousand nine hundred and, before me, J..... K....., a, in and for said county, personally appeared and, his wife, to me known to be the same persons described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

Witness my hand and official seal, the day and year last above named.
 J..... K....., [SEAL]

My commission expires

FORM No. 28.

Lease to school district.

[See section 54.]

KNOW ALL MEN BY THESE PRESENTS: That A..... B....., of the township of, county of, and state of of the first part, for the consideration herein mentioned, does hereby lease unto school district No., in the township of, county of and state of Michigan, party of the second part, and their assigns, the following parcel of land, to wit: [here insert description] with all the privileges and appurtenances thereto belonging; to have and to hold the same for and during the term of years from the day of, 19... And the said party of the second part, for themselves and their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of dollars.

In testimony whereof, the said parties have hereunto set their hands and seals this day of, 19...

A..... B....., [SEAL]
Lessor.

C..... D.....,
E..... F....., [SEAL]
G..... H.....,

Board of School District No. of the Township.

Signed and sealed in the presence of

I..... R.....
L..... M.....

FORM No. 29.

Contract for building a schoolhouse.

[See section 54.]

Contract made and entered into between A..... B....., of the township of, in the county of, and state of Michigan, and C..... D....., E..... F....., and G..... H....., composing the district board of school district No. of the township of, in the county of, and state of Michigan, and their successors in office.

In consideration of the sum of one dollar in hand paid, the receipt whereof is hereby acknowledged, and of the further sum of dollars, to be paid as hereinafter specified, the said A..... B..... hereby agrees to build a schoolhouse, and to furnish the material therefor, according to the plans and specifications for the erection of said house hereto appended, and at such point in said district as said district board may designate. The said house is to be built of the best material in a substantial, workmanlike manner, and is to be completed and delivered to the said district board or their successors in office, free from any lien for work done or material furnished, by the day of, 19... And in case the said house is not finished by the

time herein specified, the said A..... B..... shall forfeit and pay to the said district board or their successors in office, for the use of said district, the sum of dollars, and shall also be liable for all damages that may result to said district in consequence of said failure.

The said district board or their successors in office, in behalf of said district, hereby agrees to pay the said A..... B..... the sum of dollars when the foundation of said house is finished; and the further sum of dollars when the walls are up and ready for the roof; and the remaining sum of dollars when the said house is finished and delivered as herein stipulated. It is further agreed that this contract shall not be sub-let, transferred, or assigned without the consent of both parties.

Witness our hands this day of, 19...

A..... B.....,
Contractor.
C..... D.....,
E..... F.....,
G..... H.....,
District Board.

FORM No. 30.

Contract between district board and teacher.

[See sections 59, 122, 221.]

It is hereby contracted and agreed between the district board of school district No., in the township of, county of, and state of Michigan, and A..... B....., a legally qualified teacher in said county and township, that the said A..... B..... shall teach the school of said district for the term of months, commencing on the day of, 19..., and that there shall be vacation periods of days beginning on the following dates:

The said A..... B..... agrees to faithfully keep a correct list of the pupils, grade and age of each attending school; to faithfully observe and enforce the rules and regulations established by the district board of said district for the external management of said school and endeavor to preserve in good condition and order the school grounds, furniture and such other district property as may come under his supervision. The said A..... B..... further agrees to teach the subject of physiology and hygiene with special reference to the effects of alcoholic drinks and narcotics as is required by law, also to give instruction in regard to the mode by which dangerous communicable diseases are spread, the best methods for the restriction and prevention of such diseases, and will report the facts in regard to all such instruction to the director at the close of the school term or year. The said A..... B..... further agrees to prepare a report at the close of the school term or year showing the foregoing facts, also the number of days each pupil attended school, the aggregate attendance, the average daily attendance, and the percentage of attendance, together with such other items as the said district board or the commissioner of schools may require, and that all this information and all these reports shall be placed in the hands of the director at the close of the school term or year and prior to receiving the wages for the last month's labor.

The said district board, in behalf of said district, agrees to provide a water supply for the school, to keep the schoolhouse in good repair, and the school grounds in good and sanitary condition, to provide proper and necessary fuel, to

provide a janitor, or allow the teacher dollars per month for such service, to purchase and place in the schoolroom the necessary appendages specified in the law, to provide the teacher and pupils with proper charts and appliances for giving instruction in the subjects above mentioned, and to do all things that will promote the welfare and success of the school, and to pay said A..... B..... for said services as teacher, to be faithfully and truly rendered and performed as above stated, the sum of dollars per month, the same being the amount of wages agreed upon, to be paid on or before the day of, 19...; provided, that in case the said A..... B..... shall be dismissed from school by the said district board for gross immorality or violation of this contract, or shall permit his certificate of qualification to expire, or shall have said certificate annulled or suspended by the county board of school examiners or other lawfully authority, he shall not be entitled to any compensation from and after such annulment, suspension, or dismissal.

In witness whereof, we have hereunto subscribed our names this day of, 19...

C..... D....., *Director.*
 E..... F....., *Moderator.*
 G..... H....., *Treasurer.*
 A..... B....., *Teacher.*

FORM No. 32.

Office of Commissioner of Schools.

[See section 246.]

....., Michigan,, 19..

DEAR TEACHER—By the provisions of Act No. 200 of the Public Acts of 1905, as amended, each teacher is required to examine the census list furnished her by the director at the opening of school, and report to the commissioner the names of any children who are not in attendance at the public school. I would like to have you report to me each month and at any time when there are any cases of non-attendance. You will please fill out on the appended form the names of children, their parents, and addresses in all cases where the children are not in regular attendance and forward the same to me at once.

Very respectfully,

.....,
Commissioner of Schools.

FORM No. 33.

Notice to commissioner of schools by teacher of cases of truancy.

[See section 246.]

....., Michigan,, 19..

County Commissioner of Schools:

SIR—You are hereby notified that the following children, residents of district No. township of, are not in regular attendance at the public school:

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.
.....
.....
.....

Very respectfully,

.....,
Teacher.

FORM No. 34.

Notice of commissioner of schools to county truant officer.

[See sections 246, 247.]

....., Michigan,, 19...

Truant Officer of County:

SIR—You are hereby notified that the following named children in the districts and townships specified are not in regular attendance at the public schools. By the provisions of Act No. 200 of the Public Acts of 1905, as amended, you are hereby requested to investigate these cases of truancy or non-attendance at school as is provided in said act.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.	DISTRICT.	TOWNSHIP.
.....
.....
.....

Yours respectfully,

.....,
County Commissioner of Schools.

FORM No. 35.

Notice to parents or guardians in rural districts in regard to truancy.

[See section 247.]

..... Michigan,, 19...

To

You are hereby notified that, a child at least seven years of age and under sixteen years, and under your legal control, is not attending the public school as is required by Act No. 200 of the Public Acts of 1905, as amended. You are hereby directed to send said child to the public school in your district on the day following the receipt of this notice at nine o'clock, with the necessary books for instruction, and you are further notified that said child must be in regular and consecutive attendance at school during the remainder of the school year as taught in your district.

Yours respectfully,

Served, 19...

.....
County Truant Officer.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.
.....
.....
.....

Very respectfully,

.....
- Superintendent.

FORM No. 39.

Notice to parents or guardians in cities or villages.

[See section 247.]

....., Michigan,, 19...

To M.....

No. Street:

You are hereby notified that, a child at least seven years of age and under sixteen years, and under your control, is not attending the public schools as is required by Act No. 200 of the Public Acts of 1905, as amended. You are hereby notified to cause said to begin regular and consecutive attendance at the public school on the day following the receipt of this notice at nine o'clock at the school, and you are further notified that said child must be in regular and consecutive attendance during the remainder of the school year.

Respectfully,

Served, 19...

.....
Truant Officer.

FORM No. 40.

Notice to commissioner of schools, by teacher, of deaf children not in attendance at schools for the deaf.

[See section 252.]

....., Michigan,, 19...

.....
County Commissioner of Schools:

SIR—You are hereby notified that the following named children, residents of district No., township of, have such defective hearing that they cannot be taught in the public schools, and are not attending schools for the deaf.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.
.....
.....
.....

Very respectfully,

.....,
Teacher.

FORM No. 41.

Notice of commissioner or truant officer to superintendent of State School for the Deaf.

[See section 252.]

....., Michigan,, 19...

Superintendent of School for the Deaf, Flint, Michigan:

SIR—You are hereby notified that the following named children in the districts and townships specified have such defective hearing that they cannot be taught successfully in the public schools, and are not attending any institution for deaf children.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.	DISTRICT, TOWNSHIP OR CITY.
.....
.....
.....

Very respectfully,

.....,
Commissioner or Truant Officer.

FORM No. 42.

Notice to parents or guardians by truant officer.

[See section 252.]

....., Michigan,, 19...

To

You are hereby notified that, a child seven years of age and under eighteen years, and under your legal control, is reported to me, as having such defective hearing as makes it impossible for such child to be instructed in the public schools, and that said child is not attending any school for the deaf as is required by Act No. 48 of the Public Acts of 1907. It is your duty and you are hereby directed to send such child to a day school for the deaf or to the State School for the Deaf at Flint, or some other school for the deaf, in accordance with the provisions of said act.

Yours respectfully,

Served, 19...

.....,

Truant Officer.

FORM No. 43.

Notice to truant officer of blind children not in attendance at State School for the Blind.

[See section 254.]

....., Michigan,, 19...

.....

Truant Officer of County (village, city or township):

SIR—You are hereby notified that the following named children under your jurisdiction, between the ages of seven and nineteen years, and who by reason of defective eyesight are unable to receive instruction in the public schools, are not in attendance at the Michigan School for the Blind. Under authority of Act No. 116 of the Public Acts of 1907, you are hereby requested to investigate these cases and report to the Superintendent of the School for the Blind at Lansing at the earliest possible date the facts in regard to these children.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.	DISTRICT, TOWNSHIP OR CITY.
.....
.....
.....
.....

Very respectfully,

.....,

County Commissioner of Schools or Superintendent of School for the Blind.

FORM No. 44.

Notice to truant officer to proceed against the parent.

[See section 254.]

....., Michigan,, 19...

Truant Officer of county, city or township:

SIR—You are hereby notified that the following named children between the ages of seven and nineteen years are not in attendance at the State School for the Blind in accordance with the provisions of Act No. 116 of the Public Acts of 1907, and you are hereby directed to proceed against the parent or guardian of such children under the provisions of Act No. 200 of the Public Acts of 1905 as amended.

NAME OF CHILD.	NAME OF PARENT.	ADDRESS.	DISTRICT, TOWNSHIP OR CITY.
.....
.....
.....

Very respectfully,

.....
Superintendent of School for the Blind.

INDEX.

INDEX.

The references are to compiler's sections.

A.

ACADEMIES AND INCORPORATED EDUCATIONAL INSTITUTIONS:	
with whom to file certain reports.....	164
ACCEPTANCE OF OFFICE:	
neglect to file, vacates office	48
certain, filed with and recorded by director.....	51, 121, 216
penalty for failure of district officer to file.....	140
ACCOUNTS:	
director to keep, of expenses	67, 122
of members of board of school examiners, with whom filed.....	180
ACTION:	
against school districts, how brought, etc.....	95-101
relative to obtaining schoolhouse site.....	102-116
certain, to be commenced by president township board of education.....	197
ADJOURNMENTS:	
of district meetings	46
of proceedings to obtain schoolhouse site.....	112
ADMISSION OF PUPILS:	
resident	64
non-resident	65
to high schools	122
to agricultural college	154
to kindergarten	157
to normal school	280
AGE:	
at which children may attend school.....	64, 157, 214
at which education is compulsory.....	239
AGENTS FOR SCHOOL BOOKS, ETC.:	
officers, teachers, etc., not to act as.....	146, 181
AGRICULTURAL COLLEGE COURSE:	
who to prepare, for district schools	154
AGRICULTURAL SCHOOL:	
admission of pupils to freshman class of.....	154
duties of secretary of	154
examinations for admission to.....	184, 185
AGRICULTURE:	
state commission on elementary, and industrial education.....	363-366
AGRICULTURE, COUNTY SCHOOLS OF:	
(See county schools of agriculture.)	
ALIENS:	
not eligible to office	50
ALTERATION:	
in boundaries of districts	34-37
of schoolhouse sites	102
in boundaries of graded school districts.....	123
of boundaries of township school districts.....	229
ANNUAL ELECTION:	
of trustees in cities of 4th class.....	359
ANNUAL MEETING:	
(See district meetings.)	
ANNULMENT OF CERTIFICATES:	
by state board of education	166, 278, 279, 287
by county board of school examiners.....	178
APPARATUS:	
tax may be voted for purchase of.....	46
APPEAL:	
how made from decision of township board.....	117-119
APPENDAGES TO SCHOOLHOUSE:	
tax may be voted to provide.....	46
to be provided by director.....	67

The references are to compiler's sections.

APPOINTMENT:	
deputy superintendent of public instruction.....	21
of building committee, for schoolhouse site.....	46
duties of	46
clerk of district meeting in director's absence.....	46, 217
district officers in case of vacancy.....	49
person to take school census.....	68 221
district trustees in case of vacancy.....	121, 218
member of board of school examiners in case of vacancy.....	172
county commissioner of schools in case of vacancy.....	182
conductor of teachers' institute.....	237
of truant officers	245
APPORTIONMENT:	
of primary school interest fund	23 25
of property on division of district.....	38, 39, 235
by township clerk of moneys to districts.....	76
of moneys raised by taxes.....	77
township treasurer's duties relative to.....	77
on division of districts, of moneys.....	84, 229
of one-mill tax	79
division of district, of tax assessed before and collected after.....	84
in fractional districts, of moneys collected.....	87
of library moneys	134, 136
APPRAISAL:	
of school property, when township board of education to make.....	212
ASSESSMENT OF TAXES:	
(See taxes.)	
ASSESSOR:	
(See treasurer).	
ASSOCIATIONS FOR ESTABLISHING LOAN FUNDS:	
number that may incorporate.....	302
articles of association, what to contain.....	304
classification of members	305
funds of, how used	306
election of officers, when held.....	307
ASSOCIATIONS:	
teachers may form	261-263
ATTACHMENT:	
to enforce attendance at certain proceedings.....	106
AUDITOR GENERAL:	
when, to reimburse district maintaining county normal training classes.....	335
B.	
BALLOT:	
election of officers to be by.....	47, 91, 122, 215
form of, for election relative to organization of township district.....	189
form of, at district election for bonding.....	201
form of, used at special election to decide question of rural high schools.....	317
BARROOM:	
children not permitted in.....	259
BILIARDS:	
children not permitted where are played.....	259
BLANK FORMS:	
for school proceedings, see appendix.	
BLIND CHILDREN:	
compulsory education of	253, 254
transportation of indigent, or parents of	254
truant officer to investigate and report.....	254
BLIND, MICHIGAN SCHOOL FOR THE:	
(See Michigan school for the blind.)	
BOARD OF APPEALS:	
who to constitute, in appeals from township board.....	117
BOARD OF EDUCATION:	
to report taxes voted.....	56
to make annual census	68
when to make triplicate reports to superintendent of public instruction.....	73
to apply for jury in suit to obtain sites.....	103
in graded school districts, election and powers and duties of.....	120-122
to have charge of library	126
report of, relative to libraries	133-134
may sell library books	138
township, powers and privileges	189, 197
secretary, relative to books, etc., of district.....	189
who to constitute, term of office, etc.....	191
when to meet, officers, etc.....	195
when, may borrow money.....	197
president of, duties	198
treasurer of, duties	200
when to present estimate of money needed.....	201
statement of, relative to schools.....	204
powers of, relative to text-books.....	205
not to act as agents of publishers.....	209

The references are to compiler's sections.

BOARD OF EDUCATION—Continued.	
authority of, to change city districts.....	230
to certify amount to be raised for schools in city districts.....	233
when may appoint truant officers.....	245
to furnish superintendent with census list.....	246
qualifications of certain teachers, may hire.....	325
to vote tax for payment of tuition and transportation of eighth grade pupils....	329
when may select member of county normal board.....	332
to estimate cost of maintaining county normal training classes.....	335
when county clerk to draw order in favor of, for county normal training classes..	336
when, may establish day schools for the deaf.....	348
in cities of fourth class, of whom to consist, election, etc.....	359-362
(See state board of education.)	
BOARD OF INSPECTORS:	
at election to vote on issuance of bonds, who to constitute.....	91
BOARD OF INSTRUCTION:	
of state normal school, may grant certificates.....	278, 279
BOARD OF LIBRARY COMMISSIONERS:	
(See state board of library commissioners.)	
BOARD OF SCHOOL EXAMINERS:	
(See county board of school examiners.)	
BOARD OF SUPERVISORS:	
to fill vacancy in office of county commissioner of schools.....	182
to vote on establishment of county normal training classes.....	331
amount to appropriate for.....	335
appropriation of money by, county schools of agriculture, manual training and domestic science.....	338
to elect members of county school board.....	339
BOARD OF TRUSTEES:	
of graded school districts, election and term of office of.....	120
officers of, how elected, etc.....	121
vacancy in office of, how filled.....	121
powers and duties of.....	122, 161
consent of, to be obtained in alteration of district.....	123
financial statement of district to be published by.....	161
penalty for neglect of duties.....	162
in cities, proceedings in changing boundaries of districts.....	230
of city districts, proceedings relative to change in.....	230
may establish day schools for the deaf.....	348-353
of rural high schools, when and how elected.....	318
term of office.....	318
meetings of, when held.....	319
special, how called.....	319
powers of.....	319
salary and duties of secretary of.....	320
BOARDS:	
authorized to examine teachers, to collect fees.....	234
BONDS:	
of treasurer, by whom approved and where filed.....	72
two-thirds vote required to raise money and issue, in school districts.....	91
limitations as to amount and time to run.....	91
tax may be voted to redeem.....	93
how may be paid.....	94
liability of county treasurer on.....	109
on appeal from decision of township board.....	118
of treasurer of board of education in graded school districts.....	121
county commissioner of schools to file.....	173
of treasurer of township school district.....	200
when township school district may issue.....	201
treasurer of township board of education to give.....	217
amount of, of treasurer of state board of education.....	283
of contractor to secure payment of sub-contractor.....	354
recovery to be had on.....	357
exemption of school, from taxation.....	368
BOOKS:	
who to adopt, for rural high schools.....	319
(See record books, library books and text books.)	
BOUNDARIES:	
notice of formation of school district to contain.....	28
when township board may alter, of school districts.....	34
who to cause map made showing, of school districts.....	74
where filed.....	74
consent of trustees necessary to change, of graded school districts.....	123
procedure on change of, of township school district.....	229
BUILDING COMMITTEE:	
voters may appoint, for schoolhouse and prescribe duties.....	46
BUREAU OF INFORMATION:	
establishment of, in office of superintendent of public instruction.....	242

The references are to compiler's sections.

C.

CARDS:		
children not permitted where, are played.....		251
CENSUS OF SCHOOL DISTRICTS:		
when and how taken.....	68, 197,	221
penalty for false information to enumerators of.....		69
when enumerators of guilty of misdemeanor.....		69
list of, to be furnished teachers.....		246
list of blind children.....		254
CENTRAL MICHIGAN NORMAL SCHOOL:		
act to establish.....	291-293	
certain department to be maintained at.....		301
CERTIFICATE:		
district board to deliver to township clerk, of taxes to be assessed.....		56
of instruction in physiology when filed by teacher.....		61
copy of, to be filed by director with township clerk.....		61
to supervisor, of taxes to be assessed for school purposes.....	74, 81,	222
of court in proceedings to obtain site, what to contain.....		107
when certain teachers, to be filed with commissioner of schools.....		290
who may be granted, as kindergarten, music, drawing teacher.....		324
CERTIFICATES OF GRADUATION:		
from county normal training classes, who to grant.....		333
CERTIFICATES OF QUALIFICATION TO TEACHERS:		
non-possession of, makes contract invalid.....		59
regents of university may grant certain.....		165
when board of school examiners may renew, without examinations.....		176
how must be signed.....		176
different grades of.....		177
requisite qualifications to obtain.....		177
when, may be suspended or revoked.....	178, 278, 279,	287
list of teachers having, to be furnished township clerk.....		179
record of, to be kept by county commissioner of schools.....		179
fee to be paid on obtaining.....		234
when granted to pupils of normal school.....		278
state board of education may issue.....		287
to issue, in normal schools.....		301
of county normal training classes, what to qualify.....		334
how may be renewed.....		334
CHAIRMAN:		
duties of, first meeting of district.....		28
of district meeting to give oath to challenged voter.....		44
may arrest disorderly persons.....		45
may be appointed in absence of moderator.....		46
penalty for neglect of, of first meeting of district to perform duties.....		139
CHALLENGE:		
of voter at district meetings.....	44, 193	
of juror in proceedings to obtain site.....		106
CHARITABLE INSTITUTIONS:		
constitutional provisions relative to.....		17
CHILDREN:		
when census list of school, to be taken.....	68, 221	
compulsory education of.....	244-249	
duties of police officers relative to certain.....	245-249	
not permitted in saloons, gambling houses, etc.....		259
employment of.....		260
how admitted to rural high schools.....		319
(See pupils.)		
CHIPPEWA COUNTY:		
proviso as to election of county commissioner in.....		173
CIRCUIT COURT COMMISSIONER:		
to be member of board of appeals.....		117
CITIES:		
when census in, to be compiled.....		68
certain, exempt from provisions of township district act.....		190
proceedings when, become part of township district.....		190
act relative to boundaries of school districts in.....	230-233	
of fourth class, to constitute single district.....		358
board of education in, election, etc.....		359
CLERK:		
director to be, of district.....		67
who to be, of district board of education.....		217
of board of trustees of rural high schools.....		318
COLLECTION:		
relative to the, of school taxes.....		78-87
of judgments against districts.....		97-101
of fines for injuring library books.....		129
of penalties.....		141, 142, 144, 160,
of damages for not reporting and assessing taxes.....		163
of institute fees from teachers.....		144
		234

The references are to compiler's sections.

COLLEGE OF MINES:	
entitled to report of superintendent of public instruction.....	313
COMMISSIONER OF SCHOOLS:	
persons desiring to teach to file certificate with.....	290
COMMUNICABLE DISEASES:	
methods of prevention of, to be taught in schools.....	159-160
COMPENSATION:	
of officers of school district.....	55, 122, 228
teachers, how paid, etc.....	59, 122, 221
for taking census.....	68
for schoolhouse site determined by jury.....	107
in proceedings to obtain site, of officers and jury.....	115
county board of school examiners, of members.....	180
of county commissioner of schools.....	180
of school officers in attending county meeting.....	187
of officers in township school districts.....	208
of members of township board of education.....	228
of truant officers.....	243
state board of education, of members.....	286
COMPULSORY EDUCATION:	
school boards may furnish books in certain cases.....	62
children exempted.....	244
age for, of children.....	244
length of time to be sent to school.....	244
penalty for failure to comply with law.....	246
establishment of ungraded schools.....	248
when certain children to be sent to.....	249
who considered truant under act.....	249, 255
when children to be sent to reformatory institutions.....	256
CONCERT SALOONS:	
children not permitted in.....	259
CONDUCTOR:	
who to be, of teachers' institutes.....	237
CONSTITUTIONAL PROVISIONS:	
relative to primary school interest fund.....	1-2
relative to officers of, and maintenance of educational institutions.....	3-17
CONTRACTOR:	
bond required of, to secure payment of sub-contractor.....	338
CONTRACTS:	
with teachers.....	59, 199, 122, 221
officers not to be interested in, with districts.....	146
for furnishing free text-books in township districts.....	205
CORPORATE POWERS:	
of organized school districts.....	33
of teachers' associations.....	263
of state board of education.....	273
of associations for establishing loan funds.....	303
COUNTY BOARD OF SCHOOL EXAMINERS:	
election and term of office of.....	172
vacancies in, how filled.....	172, 182
schedule of meetings for special examinations to be published.....	175
may hold special meetings.....	175
meetings of, for examination of teachers.....	175
to whom may grant certificates.....	176
grades of certificates issued by.....	177
may suspend or revoke certificates.....	178
compensation of members of.....	180
when officers in certain districts may examine teachers.....	183
what schools exempt from supervision of.....	183
(See county commissioner of schools.)	
COUNTY CLERK:	
to receive and dispose of communications of state superintendent.....	88
apportionment of moneys, duties of, relative to.....	89, 135
duties of, relative to reports.....	89, 142, 220
duties in proceedings to obtain site.....	110, 111
election of school examiners, duties of, relative to.....	172
duties of, relative to election of county commissioner of schools.....	173
to draw order on county treasury for institute moneys.....	238
duties of, relative to distribution of laws, etc.....	314, 315
when to draw order for county normal training classes.....	336
COUNTY COMMISSIONER OF SCHOOLS:	
may be removed for lack of qualifications.....	20
to send blanks and list of qualified teachers to township clerk and board of education.....	73
triplicate reports of township clerk made to.....	73
to be member of board of appeals.....	117
when and how elected.....	172
to file bond and acceptance of office.....	172
term of office.....	173
election of, in Chippewa and Lake counties.....	173

The references are to compiler's sections.

COUNTY COMMISSIONER OF SCHOOLS—Continued.	
who eligible to office of	174
to hold certain examinations	175
to prepare schedule for examinations.....	175
may renew certificates	176
certificates to be signed by.....	176
may grant special certificates.....	177
powers and duties of	179
to keep record of examinations	179
to counsel with teachers	179
what annual reports, to receive.....	179
to receive institute fees	179
to receive instructions from superintendent of public instruction.....	179
who, to furnish list of teachers.....	179
duties relative to visiting schools.....	179
compensation of	180
expenses audited by board of supervisors.....	180
not to act as agent for school books, etc.....	181
vacancy in office of, how filled.....	182
duties of, relative to examination of candidates for agricultural college.....	184, 185
to call meeting of school officers of county.....	186-188
annual report of township school districts to be made to.....	199
to furnish truant officer with list of teachers.....	247
duties of, relative to distribution of laws, etc.....	314, 315
librarians to make annual report to.....	327
to whom, to transmit lists of libraries.....	328
to be member of county normal board.....	332
duty of, as to funds for county normal training classes.....	336
to be member of county school board.....	341
COUNTY INSTITUTES:	
(See teachers' institutes.)	
COUNTY NORMAL BOARD:	
how constituted, duties, etc.....	332, 333
may renew certificates	334
COUNTY NORMAL FUND:	
how constituted, etc.....	335
COUNTY NORMAL TRAINING CLASSES:	
how established, managed, maintained, etc.....	350-356
COUNTY SCHOOL BOARDS:	
establishment of	339
organization of	340
apportionment of expenses	341
treasurer of	342
COUNTY SCHOOLS OF AGRICULTURE:	
establishment of	338 347
apportionment of expenses of.....	341
instruction given in	343
COUNTY SCHOOLS OF DOMESTIC ECONOMY:	
establishment of	338 347
COUNTY SCHOOLS OF MANUAL TRAINING:	
establishment of	338 347
COUNTY TREASURER:	
statements of apportionment filed with.....	89, 135
to apply to state treasurer for certain moneys.....	90
township moneys to be paid township treasurer by.....	90
to whom, to give notice of apportionment of school moneys.....	90
liability of, on bond	109
money for schoolhouse site deposited with.....	109, 114
apportionment of library moneys to be made by.....	136
to set apart institute fees as institute fund.....	235
teachers' institute fund to be paid by, on order of clerk.....	238
vouchers for payment at teachers' institutes to be filed with.....	236
when county clerk to draw order on, for county normal training classes.....	341
ex-officio treasurer of county school board.....	342
COURSE OF STUDY:	
superintendent of public instruction to prepare and print.....	22
who to prescribe for schools	61, 122
agricultural college, to be prescribed for district schools.....	154
state board of education to prescribe for normal schools.....	301
who may prepare and publish certain.....	313
who to provide for rural high schools.....	319
by whom approved	319
for county normal training classes	333
CRIMES AND OFFENSES:	
(See penalty.)	
D.	
DAMAGES:	
who to prescribe penalty for, to library books.....	129
to be collected from certain officers for neglect of duties.....	144
DANCE HOUSES:	
children not permitted in.....	251

The references are to compiler's sections.

DAY SCHOOLS FOR THE DEAF:	
shall be established	348-353
to report to superintendent of public instruction.....	349
duties of state treasurer in regard to.....	350-351
system to be used in	352
who may attend	353
DEAF CHILDREN:	
compulsory education of	250-252
DEED:	
for schoolhouse site to be obtained before building.....	54
DELINQUENT CHILDREN:	
punishment of persons responsible for.....	258
DELIVERY OF BOOKS, ETC., TO SUCCESSOR IN OFFICE:	
by superintendent of public instruction.....	26
by district officers	67, 72
DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION:	
appointment and duties of.....	21
DIPLOMAS:	
of graduates of state normal school.....	278, 279, 301
DIRECTOR:	
notice of first meeting to be recorded by.....	28
to keep records relative to organization of district.....	32
to be notified of alterations of district.....	37
appointment of clerk in absence of.....	46
election and term of office of.....	47, 121, 215
appointment of, in case of vacancy.....	49
acceptance of office of, where and by whom filed.....	51, 121
to be member of district board.....	52
register of school to be furnished to.....	59
to have custody of schoolhouse, etc.....	60
to file certificate of instruction in physiology with township clerk.....	61
to draw and sign warrants, orders, etc.....	67
to give notice of meetings.....	67
account of expenses to be kept by.....	67
schoolhouse to be kept in repair by.....	67
to provide appendages for schoolhouse.....	67
to present estimates at annual meetings.....	67
accounts of, how kept, audited, etc.....	67, 122
to be clerk of district.....	67, 217
census list to be filed with township clerk by.....	68
annual school census to be taken by.....	68
reports of, to be filed with township clerk.....	70
of fractional district, to whom to report.....	71
and moderator to approve bond of treasurer.....	72
to be notified of apportionment of school moneys.....	77
and moderator to certify payments to supervisor.....	80
at election to issue bonds, to be member of board of inspectors.....	91
and moderator to execute bonds of district.....	92
treasurer to certify to, judgment against district.....	98
to be notified of site fixed by township board.....	102
penalty for neglect to accept office or perform duties.....	140
may be removed by township board.....	145
to attend meeting of county school officers.....	187
compensation	187
to furnish teachers with census list.....	246
DISORDERLY PERSONS:	
to be taken into custody.....	45
juvenile, who to constitute	249, 255
DISTRICT BOARD:	
to call meetings of district.....	41
school to be provided by.....	46
how, may determine certain matters, when meetings fall.....	46, 222
election and term of office of.....	47, 120, 215
vacancy in, what to occasion.....	48
how filled	49, 121, 218
who eligible to office on.....	50
acceptance of office by members.....	51, 121, 216
who to constitute	52, 120, 215
certain books, blanks, etc., to be purchased by.....	53
when may sell certain property of district.....	54
site for schoolhouse to be leased or purchased by.....	54, 221
to estimate amount for support of schools.....	55
when may borrow money on strength of voted tax.....	55
to report taxes to be assessed	56
moneys to be applied by, according to law.....	57
not to pay money to unqualified teachers.....	57
to make statement of finances at annual meeting.....	58, 225
teachers to be hired by.....	59, 122
to provide for water supply	60
when to exclude public meetings from schoolhouse.....	60

The references are to compiler's sections.

DISTRICT BOARD—Continued.	
to have care of schoolhouse and property.....	60
to provide for instruction in physiology.....	61
to prescribe text-books and courses of study.....	61
to purchase books for indigent pupils.....	62
may suspend or expel disorderly pupils.....	63
to establish rules, etc., for school.....	63, 221
to classify pupils.....	64, 122
may admit non-resident pupils to school.....	65
rates of tuition for, how fixed.....	65
director to be clerk of.....	67, 217
to appoint persons to take school census.....	68, 221
when to provide for deposit of moneys.....	72
to estimate amount necessary for sites and buildings.....	91
when may issue bonds.....	92
to apply for jury in suit to obtain site.....	103
to be trustees in graded school districts.....	120-123
district library to be managed by.....	132, 221
report of, relative to libraries.....	133-134
may donate or sell books to township library.....	138
kindergarten to be provided by.....	155-158
financial statement of the district to be published by.....	161
United States flag to be provided by.....	163
to be trustees in township school districts.....	215
qualifications of certain teachers, may hire.....	325
duties of, as to teachers, etc., for county normal training classes.....	335
when day schools for deaf may be provided by.....	348-353
(See district officers.)	
DISTRICT LIBRARIES:	
(See libraries.)	
DISTRICT MEETINGS:	
notice of, on formation of new district.....	28 214
when annual, to be held.....	40, 217
when special, may be called.....	41
notice of, to indicate the business.....	41
notice of, what to specify.....	41, 42
who eligible voters at.....	43
relative to challenging voters at.....	44
penalty for disorderly conduct at.....	45
to give directions regarding suits.....	46
to direct sale of property.....	46
powers of annual.....	46, 122
when clerk and chairman may be appointed at.....	46, 217
what board to determine in case of failure of certain.....	46, 222
limit of taxes that may be voted at.....	46, 222
officers to be elected at.....	47, 120, 215
to fill vacancy in district office.....	49
board to make financial statement to annual.....	58
to determine uses of schoolhouse.....	60
moderator to preside at.....	66
director to give notice of.....	67
may vote on issuance of bonds.....	91
may vote tax to pay money borrowed.....	93
voters at, may designate site.....	102
DISTRICT OFFICERS:	
election and term of office of.....	47, 120, 215
when may be appointed.....	49, 121, 217
who eligible to election as.....	50
acceptance of office of.....	51, 121, 216
amount of tax for service of.....	55
penalty for neglect to accept office or perform duties.....	140
may be removed by township board.....	145
payment for services of township.....	208
compensation of.....	228
(See treasurer, director, moderator and district board.)	
DISTRICT SCHOOLS:	
(See schools.)	
DOG TAX:	
apportionment of surplus.....	272
DOMESTIC ECONOMY, COUNTY SCHOOLS OF:	
establishment of.....	338-347
appropriation for.....	338
instruction given in.....	343
DRAWING TEACHERS:	
act to define qualifications of.....	324-326
E.	
EDUCATION:	
constitutional provisions relative to.....	1-17
EIGHTH GRADE:	
payment of tuition and transportation of, pupils.....	329-330

The references are to compiler's sections.

ELECTION :	
who legal voters at, in school district	43
when, of district officers held	47, 121, 215
who eligible to, in school district	50
regulations at, to vote on issuance of bonds	91
of members of county board of school examiners	172
of county commissioner in Chippewa, when held, etc.	173
township school district, how conducted, etc.	192
special, for bonding, ballots, etc.	201
city districts, election of officers by joint boards.	230
for submitting question of rural high schools, where held ..	317
form of ballot used at	317
submitting question of establishment of schools of agriculture, etc.	338
of school trustees in cities of fourth class.	359-362
ELECTORS :	
who are qualified	43
may discontinue school and send pupils to another district.	46
when, may vote to organize township school district.	189
township school district, qualification of.	191, 201
when, may appeal from action in formation of.	213
when question of rural high school submitted to	316
ELIGIBILITY TO OFFICE :	
in school districts	50
EMPLOYMENT :	
of teachers	59, 122, 156, 221
of persons to take school census	68
of officers, etc.	122
of children	260
ENGLISH LANGUAGE :	
Instruction to be conducted in	11
ENUMERATION OF CHILDREN :	
(See census.)	
ENUMERATOR, CENSUS :	
duty of, data required	68
when, guilty of misdemeanor	69
ESCHEATED ESTATES :	
application of interest from sale of	14
ESTIMATES :	
of amounts to be raised by tax	55, 67, 221
EVIDENCE :	
of organization of district.	32
in proceedings to obtain site	103
of regularity in proceedings to remove officers.	145
EXAMINATION :	
of proposed site by jury	107
meetings for, of teachers	175
of teachers by county board of examiners.	175, 176, 184
questions for, of teachers	176
of reports by county commissioner.	179
of teachers by officers in certain districts.	183
of applicants for admission to agricultural college.	184, 185
fees to be collected from teachers for.	234
of teachers by state board of education.	287
of applicants for state certificates	287
EXAMINERS :	
may be removed for lack of qualifications.	20
of teachers to collect fees.	234
to pay same to county treasurer.	235
(See county board of school examiners.)	
EXECUTION :	
not to issue against school district.	97
EXPENSES :	
incidental, estimated by board.	55
estimates of, to be presented at annual meeting.	67, 225
of commissioners limited	180
teachers' institutes, how paid.	238
state institute, how paid	240
vouchers for, of teachers' institute, where filed.	241
F.	
FEES :	
to be paid by teacher on obtaining certificate.	234
disposition of, collected by director and secretary.	235
FEMALES :	
may vote at school district meetings	43
eligible to district offices	50
FINES :	
how applied for breach of penal laws	16
for disturbing district meeting	45
for disturbing school	63

The references are to compiler's sections.

FINES—Continued.	
on census enumerator for making false returns.....	69
giving false information to census enumerator.....	69
for damages to library books.....	129
apportionment of, for breach of penal laws.....	136
(See penalties.)	
FLAGS:	
who to purchase U. S., for schools.....	163
FORM OF OATH:	
of challenged voter	44
FORMS, BLANK:	
(See appendix.)	
FOURTH CLASS CITIES:	
to constitute single school district.....	358
board of education in, of whom to consist, elections, etc.....	359
FRACTIONAL DISTRICTS:	
(See school districts; also township board.)	
FREE SCHOOLS:	
to be provided	11, 214
FREE TEXT-BOOKS:	
(See text-books.)	
FUNDS:	
educational	1, 2
library	16
teachers' institute	235
of associations for establishing loan.....	306
for maintaining day schools for the deaf.....	350
G.	
GAMBLING:	
children not permitted in rooms used for.....	259
GENERAL FUND:	
taxes for incidentals, deficiencies, etc., accounted for under.....	55
GRADED SCHOOL DISTRICTS:	
annual meeting of	40
organized prior to 1907, act to govern.....	120
notice of intention to organize.....	120, 124
election and term of office of trustees of.....	120, 124
officers of, to be elected by trustees.....	121
credit of school tax on tuition of non-resident pupil.....	122
powers and duties of trustees.....	121, 122
not limited to nine sections of land.....	123
consent of trustees to be obtained to alteration of boundaries.....	123
two or more contiguous districts may organize.....	124
change of, to primary district.....	125
publication of financial statement of.....	161
proceedings when, becomes part of township district.....	190
(See school districts.)	
GRADES OF CERTIFICATES:	
of teachers	177
GRADING:	
of pupils not prevented in any district.....	64
in graded school districts.....	122
H.	
HIGH SCHOOLS:	
may be established in certain districts.....	122
act to establish rural	316-323
providing for payment of tuition and transportation to, of certain pupils.....	329-330
(See graded school districts.)	
I.	
INCIDENTAL EXPENSES:	
estimated by district board.....	55
INDEBTEDNESS:	
of districts	91
(See bonds.)	
INDIANS:	
when children of, not included in census.....	68
INDUSTRIAL EDUCATION:	
state commission on, etc.....	363-366
INSTRUCTION:	
to be conducted in the English language.....	11
INSURANCE MONEYS:	
how used	286
INTEREST:	
apportionment of, on state funds.....	13, 23
on bonds limited	92
tax may be voted to pay.....	93
on judgment against district	101
on moneys lost by certain officers.....	141-142

The references are to compiler's sections.

J.

JOINT MEETINGS:	
of township boards	30, 117, 229
relative to township school districts.....	190
JUDGE OF PROBATE:	
to participate in filling vacancy on board of examiners.....	172
JUDGMENTS:	
assessment of taxes for payment of.....	82
and suits against school districts, sections relative to.....	95-101
execution not to issue on.....	97
when rendered in proceedings to obtain site.....	108
JURY:	
board may apply for, in proceedings to obtain site.....	103 107
JUSTICES OF PEACE:	
to hear cases under compulsory education act.....	247
proviso, as to cities.....	247
JUVENILE DISORDERLY PERSONS:	
penalty for failure of parent or guardian to send, to school.....	246
proceedings against parents of, for neglect of duty.....	247
to be sent to ungraded schools.....	248, 249
who deemed, or truants	249, 255

K.

KINDERGARTEN:	
duty of district board relative to.....	155
qualifications of, teachers	156, 324-326
children entitled to attend.....	157
act to apply to other schools.....	158

L.

LABOR:	
act to secure payment to sub-contractors for.....	354-357
LAKE COUNTY:	
election of county commissioner of schools in.....	173
LAND:	
limit of tax on, for building schoolhouse.....	46
when not taxed for	46
proceedings to obtain, for schoolhouse site.....	103-116
LAWS, DOCUMENTS, ETC.:	
rules and regulations for libraries, course of study, who to print and distribute..	22
duty of commissioners and county clerk in distributing.....	314, 315
LEASE:	
for schoolhouse site, who to secure, length of, etc.....	54
duration of, of land for schoolhouse.....	157
LIABILITIES:	
of township clerk for neglect to report.....	141
of county clerk	142
of supervisor in regard to district taxes.....	144
debts and when assumed by township district.....	226
of parent or guardian for failure to send child to school.....	246
(See penalties.)	
LIBRARIAN:	
township, when and by whom appointed, duties, etc.....	130
LIBRARIES:	
establishment of, constitutional provisions relative to.....	16
rules for, by whom made.....	22, 129
maintenance of, in township or city.....	126
township board may dispose of, or plan merger of, into free public.....	126
provisions relative to	126-138
books for township, by whom purchased.....	128, 221
care of, etc., who to have.....	129
librarian of township, by whom appointed, duties, etc.....	130
where kept	130
when school district may establish.....	131
township clerk to report statistics of.....	133
funds for, when forfeited.....	134
superintendent of public instruction to furnish statement of townships, etc., entitled to	135
apportionment of	135, 136
tax for support of, how levied, collected, etc.....	137
district board may sell or donate, books to township.....	138
school officers not to act as agents for, books.....	146
librarians to report to school commissioner.....	327
to whom to transmit list.....	328
LIBRARY BOOKS:	
sale of	138
LIBRARY COMMISSIONERS:	
(See state board of library commissioners.)	

The references are to compiler's sections.

LIBRARY MONEY:	
when district to forfeit	134
superintendent of public instruction to forward statement of.....	135
apportionment of	136
LIFE CERTIFICATES:	
authority, revocation and filing of.....	166
LIQUORS:	
minor children not permitted where, are sold.....	259
M.	
MANUAL TRAINING, COUNTY SCHOOLS OF:	
appropriation for	338
instruction given in	343
admission of pupils	345
MAPS:	
of townships, showing boundaries of districts, by whom made, where filed, etc....	74
filing of, showing change of boundaries in city districts.....	230
MATERIAL:	
act to insure payment of sub-contractors for.....	354-357
MEETINGS:	
joint, of township boards of several townships.....	30, 229
when schoolhouse used for public.....	60
of township boards, in cases of appeal.....	117, 119
for examination of teachers, when and where held.....	175, 176
township school districts, of township board for organization of.....	189
annual in, notice, etc.....	192, 199
of board of education in	195
of board of education	217
of board of trustees of rural high schools, when held, etc.....	319
(See district meetings.)	
MEMBERS:	
of district board, who to constitute.....	52
number of, of board of trustees in graded school districts.....	120, 215
term of office	120
of board of county school examiners, by whom appointed, etc.....	172
MICHIGAN EMPLOYMENT INSTITUTION FOR THE BLIND:	
transfer of pupils from Michigan school for blind to.....	253
MICHIGAN SCHOOL FOR THE BLIND:	
compulsory education of blind children at.....	253, 254
MICHIGAN SCHOOL FOR THE DEAF:	
compulsory education of deaf children at.....	250, 251
MISDEMEANOR:	
when census enumerator guilty of a.....	69
officers, teachers, etc., interested as agent for publishers deemed a.....	146
when parents deemed guilty of a.....	246
MODERATOR:	
to give oath to challenged voter.....	44
chairman at district meetings	46, 217
election of, term of office, etc.....	47
appointment of, to fill vacancy.....	49
acceptance of office, where filed.....	51
to be member of district board.....	52
treasurer and, to audit and pay accounts of director.....	66
and director to approve bond of treasurer.....	72
penalty for neglect to perform duties.....	140
may be removed by township board.....	145
(See district board.)	
MONIES:	
primary school fund, what to constitute.....	1, 2
when withheld from certain districts.....	11
apportionment of, by superintendent of public instruction.....	23-25
of primary school interest fund.....	76, 90
of districts, when dividing, how apportioned.....	38, 39, 229
districts entitled to receive primary school interest fund	46
entitled to receive certain	46, 79
when board may borrow, on strength of voted tax.....	55
primary school interest fund, to be used only for teachers' wages.....	57
sectarian schools barred from public.....	57
district board to apply school, according to law.....	57
to make report of, at annual meeting.....	58, 225
orders for certain, by whom drawn and signed.....	67
disposition of, collected on bond of treasurer.....	72
district board to provide for deposit of.....	72
apportionment of, to districts by township clerk.....	76, 77, 222
raised for school tax, how apportioned.....	77
duties of township treasurer relative to collecting school.....	72, 78, 87
relative to paying	85, 87, 221

The references are to compiler's sections.

MONEYS—Continued.

accrued from one-mill tax, how used.....	79
paid by old districts to new, how applied.....	80
school, to be paid next to township expenses.....	85
payment of, to fractional districts.....	87
county treasurers to apply for, appropriated.....	90
to notify township clerk, etc.....	90
limitations as to districts borrowing.....	91
when, for site deposited with county treasurer.....	109, 114
library, when forfeited.....	134
proviso as to non-forfeiture.....	134
statement of townships to receive, where filed, etc.....	135
apportionment of.....	136
how used.....	136
apportionment of, collected on account of neglect of officers.....	143
officers illegally using, to be removed.....	145
township school district, amount of, estimate for schoolhouse.....	197
custody of, where deposited, etc.....	200
when certain, to become township school money.....	207
who to apply for, appropriated for primary schools and libraries.....	221
public, definition of.....	264
to be kept separate from other funds.....	265
how used.....	266
interest on, what to constitute.....	267
public officer not to receive consideration for depositing.....	268
penalty for illegal payment of.....	271
disposition of insurance.....	280
boards of trustees of rural high schools may borrow.....	319
(See taxes.)	
MONTH, SCHOOL:	
of what to consist.....	59
MUSIC TEACHER:	
act to define qualifications of.....	324-326

N.

NEGLECT:	
penalty for, of taxable inhabitant to serve and return notice.....	139
of district officers to perform duties.....	140, 162
liability of township clerk for, to report, etc.....	141
of county clerk for not transmitting reports.....	142
of supervisor and township clerk in regard to taxes.....	144
of parent or guardian to send child to school a misdemeanor.....	246
NON-RESIDENT:	
when may be attached to district.....	36
admission of, pupils, tuition, etc.....	65
tuition of, pupils.....	122
credit of school tax on tuition of, pupils.....	122
NORMAL SCHOOLS:	
state board of education to prescribe courses of study, grant diplomas, etc., in.....	301
(See state normal school.)	
NORMAL SCHOOL FUND:	
origin of.....	284
who to have care of.....	285
NORMAL TRAINING CLASSES:	
act to establish.....	331-337
(See county normal training classes.)	
NORTHERN STATE NORMAL SCHOOL:	
act to establish.....	295-297
NOTICE:	
superintendent of public instruction to give, of apportionment of primary school fund.....	23, 135
duty of taxable inhabitant on receipt of, of formation of district.....	28
of first meeting in new district.....	28, 214
by township clerk when new district fails to organize.....	29
of meeting of township board to form fractional districts.....	30
to alter boundaries.....	34
of special meetings of district board, when and how given.....	41
of district meetings, to be given by director.....	42, 67
of township clerk to supervisors of school taxes.....	75, 222
who to give, to directors of moneys to be appropriated.....	77
of apportionment of moneys to districts, to whom given.....	77
of supervisor and treasurer of taxes assessed.....	81-83
treasurer to give, of money in his possession.....	86, 224
county treasurer to give, of moneys apportioned.....	90
of meeting of district to borrow money.....	94
in proceedings to obtain site, how given.....	105
of meeting to organize as graded school district.....	120
of township board of proceedings to remove officer.....	145

The references are to compiler's sections.

NOTICE—Continued.

teachers' examinations, how given	175
to teachers of intention to revoke certificate.....	178
township school district, of election for organization of.....	189
of annual meeting in	192
relative to changing boundaries in city districts.....	230
to parent or guardian of non-attendance of child at school, by whom given.....	246 247
teachers' associations, of formation of, how given.....	261
subcontractor to give written, what to state, etc.....	355

O.

OATH:

deputy superintendent of public instruction to take.....	21
tendered to challenged voter at district meetings.....	44, 193
to be taken as to correctness of census list.....	68
of juror in proceedings to obtain site.....	107
of office, members of board of school examiners to take.....	172, 173

OFFICE:

acceptance of, to be filed.....	52, 121, 216
term of, of board of school examiners.....	172

OFFICERS:

having charge of records to furnish facilities for examination.....	53
---	----

ONE-MILL TAX:

disposition of surplus	55
assessment, collection and disposition of.....	79

(See taxes.)

ORAL METHOD:

to be taught in day schools for deaf.....	352
---	-----

ORDERS:

on treasurer to be countersigned by moderator.....	66
to be drawn and signed by director.....	67
of township clerk on treasury for library moneys.....	128, 221

(See warrants; also moneys).

ORGANIZATION:

formation, etc., of new districts.....	27-32
of graded school district	120-125
of township school districts in upper peninsula.....	214 220

(See school districts; also township board.)

P.

PARENTS AND GUARDIANS:

entitled to vote at district meetings.....	43
required to send children to school.....	244
duties of truant officers relative to.....	246
liability for not sending.....	246
proceedings against	247

PENALTIES AND FORFEITURES:

not maintaining five months' school.....	11
district for not maintaining certain length of school.....	46, 79, 221
census enumerators for making false returns.....	69
giving false information to census enumerator.....	69
damages to library books.....	129
taxable inhabitant for neglect of duties in formation of district.....	139
district officers' neglect to accept office or perform duties.....	140, 210
township clerk, for neglect in transmitting reports.....	141
county clerk, for not transmitting reports.....	142
moneys collected for, how applied.....	143
supervisor and clerk's neglect regarding taxes.....	144
neglect to teach prevention of diseases.....	160
district officers, for not publishing financial statement.....	162
not purchasing U. S. flag.....	163
parent or guardian not sending children to school.....	246
relative to school attendance by blind children.....	254
relative to persons responsible for delinquency of children.....	258
for allowing children to remain in saloons, etc.....	259
illegal payment of public moneys.....	271

PERJURY:

what deemed	44
-------------------	----

PERMIT:

issue of, for employment of children.....	260
---	-----

PHYSIOLOGY:

use of text-books on, in teaching dangerous diseases.....	159
---	-----

PHYSIOLOGY AND HYGIENE:

to be taught in all public schools.....	61
penalty for failure of district board to comply with statute.....	61
district board to adopt text-books.....	61
by whom approved, etc.....	61, 148, 288

POLL LIST:

to be kept when voting on issuance of bonds.....	91
--	----

The references are to compiler's sections.

POOR CHILDREN:	
to be furnished with text-books.....	62
PRIMARY SCHOOLS:	
(See schools.)	
PRIMARY SCHOOL INTEREST FUND:	
constitutional provisions respecting	1, 11
five months' school to be maintained to secure.....	11
apportionment of	23
proceedings in case of defective returns of.....	24
when deficiency may be apportioned.....	25
time school to be maintained to secure.....	46
to be accounted for under "Teachers' wages fund".....	53
to be used only for teachers' wages.....	57
duty of township clerk in distributing.....	73
how apportioned to districts	76, 217
county clerk's duties relative to.....	89
county treasurer's duties relative to	90
PROCEEDINGS:	
against school districts	95-101
to obtain schoolhouse site	102-116
in case of incumbrances	113
upon appeal from action of township board.....	117-119
for removal of officers	145
PROPERTY:	
when township board may sell district.....	38
to be apportioned on division of district.....	38 39
when sale of district, may be directed by voters.....	46
care and preservation of district.....	60 122
disposition of, in forming township districts.....	226
to be apportioned on division of township.....	229
of teachers' associations	262
PUBLIC BUILDINGS:	
act insuring payment of subcontractors in repairing, etc.....	354
PUBLICATION:	
of financial statement by school board.....	161
PUBLIC LIBRARIES:	
(See libraries.)	
PUPILS:	
when may be suspended or expelled.....	63
who may be	64
classification of	64, 122
admission of, to schools.....	64, 65, 122, 157
tuition of non-resident	65, 197
in graded school districts, promotion of, in.....	122
township school district, rate of tuition to non-resident.....	197
admission of, to normal school.....	280
providing for payment of tuition and transportation of eighth grade.....	329-330
Q.	
QUALIFICATIONS:	
of voters at district meetings.....	43, 191
QUESTIONS:	
of examination for teachers	176
R.	
REAL ESTATE:	
board of trustees of rural high schools may hold.....	319
RECORD:	
director to keep, of proceedings.....	28, 67
director's, to be evidence of organization of district.....	32
who to keep, of acceptances of office.....	51
who to provide, books for proceedings of district meetings.....	53
officers having charge of, to furnish facilities for examination.....	53
of report of taxes to annual meeting.....	58, 225
teacher to keep, of pupils	59
of moneys to be kept by district treasurer.....	72
to be kept of consent of trustees in alteration of graded school district.....	123
of certificates granted to teachers, who to keep.....	179
who to keep, of examinations held by board of school examiners.....	179
REGENTS:	
of the university, how elected, etc.....	5-7
may grant certain certificates	165
REGISTER:	
of school to be kept by teacher.....	59
REGULATIONS:	
for government of schools	63, 221
at elections to vote on issuance of bonds.....	91
for government, etc., of libraries.....	129

The references are to compiler's sections.

REMOVAL:	
of certain officers by governor.....	20
from district to vacate office.....	48
of schoolhouse from leased site.....	54
of officers in graded school district.....	121
of officers by township board.....	145
REPAIRS:	
(See schoolhouses.)	
REPORT:	
superintendent of public instruction to make annual, to governor.....	20
district board to make, at annual meeting.....	58, 225
directors to make annual.....	70
of director, where filed.....	70, 73
to whom made in fractional districts.....	71
township clerk to make triplicate.....	73
board of education to make triplicate.....	73
township clerk to make certain, to treasurer and director.....	77
supervisor to, taxes assessed to township treasurer.....	82
township clerk's duties relative to.....	89
of township clerk and board of education relative to libraries.....	133-134
liability of officers for failure to make.....	141-142
to whom academies, etc., to make.....	164
county commissioner of schools to make.....	179
township school district, annual, what to contain, etc.....	199
of school moneys received, when made, etc.....	200
state board of education to make, to legislature.....	282
publication, etc., of, of superintendent of public instruction.....	313-315
board of trustees of rural high schools to make certain.....	319
board maintaining day schools for deaf to make.....	348
RESIDENTS:	
notified of first meeting in school district.....	28
qualifications of, to vote at district meetings.....	43
rights of, to attend school.....	64
exceptions of, in school census.....	68
REVOCATION OF TEACHERS' CERTIFICATE:	
by board of school examiners.....	178
by state board of education.....	278, 279, 287
RULES:	
(See regulations.)	
RURAL HIGH SCHOOLS:	
an act to establish.....	316-323
when question of, submitted to electors.....	316
board of trustees of, when and how elected.....	318
term of office.....	318
duties.....	319
S.	
SALE OF PROPERTY:	
when, made by township board.....	38
to be directed by district.....	46
when made by district board.....	54
SALOON:	
children not permitted in, gambling houses, etc.....	259
SALT SPRING LANDS:	
interest on proceeds from, application of.....	15
SCHOLARS:	
(See pupils.)	
SCHOOL:	
to be free.....	11, 214
to be maintained at least five months.....	11
when, may be discontinued in a district.....	46
time necessary to be maintained.....	46, 221
who to fix minimum length of time of.....	46, 221
who to estimate and vote taxes for support of.....	55, 222
not to be sectarian.....	57
register of, to be kept by teachers.....	59
district board to prescribe text-books for.....	61
pupils may be suspended or expelled from.....	63
penalty for disturbing.....	63
district board to establish regulations for.....	63, 221
resident pupils admitted to.....	64
not to be separated on account of race.....	64
statistics of, to be reported by director.....	64
may be graded.....	64, 122
admission of non-resident pupils to.....	65, 197
visitation and examination of.....	179
children of certain ages required to attend.....	244
when ungraded, to be established.....	248
children attending, not permitted in saloons, etc.....	259
training, in connection with state normal.....	277

The references are to compiler's sections.

SCHOOL—Continued.	
persons desiring to teach, with whom to file certificate.....	290
who to publish course of study, etc., for certain.....	313
act to establish rural high.....	316-323
board of trustees of rural high, to visit.....	319
in cities of fourth class, board of education, etc.....	358-359
SCHOOL APPARATUS:	
provision for.....	46
SCHOOL BOARD:	
(See district board.)	
SCHOOL BOOKS:	
(See text-books.)	
SCHOOL CENSUS:	
when and how taken.....	68
SCHOOL DISTRICTS:	
of what composed.....	27
to be numbered.....	27
formation of.....	27-32
formation of fractional.....	30
when deemed legally organized.....	31
when may be dissolved.....	31
corporate powers of.....	33
name and style of.....	33
when consent of taxpayers to be obtained to alteration in.....	35
when persons outside may be attached.....	36
alterations to be reported to director.....	37
division of property in forming new, from old.....	38
meetings of, when held, etc.....	40-46, 217
may borrow money on strength of voted tax.....	55
who, to make annual report of.....	58, 225
who to appear in suits for or against.....	72
map showing boundaries to be made.....	74
moneys to be apportioned to.....	76, 77
when moneys paid by old, to new.....	80
levy and collection of taxes in fractional.....	81
may borrow money for sites and buildings.....	91
to pay indebtedness.....	94
may vote to pay money borrowed.....	94
suits and judgments against.....	95-101
judgments against fractional.....	100
appeal from action of township board.....	117-119
what districts may organize as graded.....	120, 124
organization of, etc., graded.....	120-125
change of, from primary to graded.....	125
officers of, when to deliver books, etc., to township board of education.....	189
township school districts, organization of.....	190
township organization of.....	214-229
change of boundaries of city.....	230-233
who to provide course of study, etc., for.....	313
providing for transportation of certain pupils in.....	329-330
officers of, to require bond to insure payment of subcontractors.....	354
cities of fourth class, to constitute single.....	358
board of education, election, etc.....	359
SCHOOL EXAMINERS:	
(See county board of school examiners.)	
SCHOOLHOUSES:	
when certain persons not liable to tax for building.....	36
not needed may be sold.....	38, 46, 54
building committee may be appointed.....	46
district to vote tax for appendages to.....	46
district to direct the procuring of, sale of.....	46
when land not to be taxed for building.....	46
tax for repairing, limited.....	46
repairs to, who to make, etc.....	46
site for, to be purchased or leased.....	46, 54, 221
tax for building, limited.....	46, 222
board to procure.....	54, 221
district board to have care of, etc.....	60
when open or closed for public meetings.....	60
director to provide appendages to.....	67
limitation of indebtedness to build.....	91
bonds may be issued to build.....	91
sale of tax homestead lands for sites.....	367
SCHOOL MONEYS:	
(See moneys.)	
SCHOOL MONTH:	
of what to consist.....	53
SCHOOL OFFICERS:	
not to be interested in any contract with district.....	146
county commissioner to call meeting of, of county.....	186-188

The references are to compiler's sections.

SCHOOL RECORDS:	
officers having charge of, to furnish facilities for examination.....	53
SCHOOL YEAR:	
when to commence, length of.....	11, 40, 43
SCHOOLS FOR DEAF:	
act establishing day	348-353
SECTARIAN SCHOOLS:	
not to receive public moneys.....	57
SHERIFF:	
to remove respondent from school property.....	111
SINGLE SCHOOL DISTRICT:	
organization of township into.....	189
SITES FOR SCHOOLHOUSES:	
when not needed may be sold.....	38, 54
notice of meeting to change.....	42
voters to direct procuring of.....	46
lease or purchase of.....	46, 54, 221
issuance of bonds for purchase of.....	91
how designated	102
to be selected by a two-thirds vote.....	102
proceedings to obtain.....	102-116
compensation for, how determined in certain cases.....	107
claims against, settled by circuit judge.....	113
township board of education may purchase, etc.....	197
sale of tax homestead lands for.....	367
SPECIAL MEETINGS:	
(See district meetings.)	
STATE BOARD OF AGRICULTURE:	
election of, powers and duties.....	9-10
may grant teachers' certificates.....	169
STATE BOARD OF EDUCATION:	
election of, term of office, etc.....	8, 18
to grant certificates to graduates of colleges.....	166
may refuse to accept certain diplomas.....	168
to be a body politic.....	273
powers and duties of	273
regarding state normal school.....	275, 283
members of, not to act as agent.....	276
to grant diplomas to graduates of state normal school.....	278, 279
to make report to legislature.....	282
to grant state certificates to teachers.....	287
persons desiring to teach, with whom to file certificates approved by.....	290
powers and duties regarding central Michigan normal school.....	291-293
powers and duties regarding northern state normal school.....	295-297
to procure site for western state normal school.....	299
to have control, etc., of.....	300
to prescribe courses of study, grant diplomas, etc., in normal schools.....	301
STATE BOARD OF HEALTH:	
to approve text-books regarding communicable diseases.....	159
STATE BOARD OF LIBRARY COMMISSIONERS:	
duties of	303, 310
appointment and term of office of.....	309
who to constitute	309
vacancies in, how filled	309
reports of, to whom made, etc.....	310
appropriation for	312
STATE CERTIFICATES:	
to be granted to graduates of certain colleges.....	166
when granted to graduates of state normal school.....	278, 279
when granted by state board of education.....	287
STATE INSTITUTIONS:	
maintenance of	12
certain to be under supervision of superintendent of public instruction.....	20
STATE LANDS:	
interest from sale of, application of.....	13
STATE NORMAL SCHOOL:	
professional instruction in	275
training school in	277
diplomas and certificates to graduates of.....	278, 279
an act to change the name of.....	294
STATE TEACHERS' INSTITUTE:	
to be held annually	240
expenses of, how paid	240
STATE TREASURER:	
payment of transportation of indigent deaf children.....	251
of indigent blind children	254
to reimburse district maintaining day school for deaf.....	350
STUDENT:	
minor child who is, not permitted in saloon, etc.....	259
STUDIES:	
to be prescribed	61

The references are to compiler's sections.

SUBCONTRACTORS:	
act insuring payment of.....	354-357
SUITS:	
may be brought for or against district.....	33
treasurer to appear for district in.....	72
on treasurer's bond.....	72
when moderator may appear in, for district.....	72
jurisdiction of justices in.....	95
and judgments against district.....	95-101
summons in, served on treasurer.....	96
not brought to collect judgment.....	97
(See actions, judgments and proceedings.)	
SUPERINTENDENT OF COUNTY SCHOOLS OF AGRICULTURE, ETC.:	
who eligible as.....	347
SUPERINTENDENT OF PUBLIC INSTRUCTION:	
constitutional provisions relative to.....	4
election and term of office of.....	19
to have general supervision of public instruction.....	20
make annual reports to legislature.....	20
visit state institutions, etc.....	20
may request removal of county commissioner of schools.....	20
appoint a deputy.....	21
to prepare and print general course of study.....	22
to prepare rules for management of libraries.....	22
duties relative to apportionment of primary school moneys.....	23, 25
to deliver books, etc., to successor.....	26
when board of education to make triplicate reports to.....	73
reports to, relative to libraries.....	133-134
to forward statement of library money to districts.....	135
incorporated academies to report to.....	164
forms of teachers' certificates to be prepared by.....	176
questions for examinations of teachers to be prepared by.....	176
to send examination questions to examining officers.....	176
prescribe form of rules for boards of school examiners.....	177
to appoint assistant conductor of institutes.....	179
to assist county commissioner at county meeting of school officers.....	188
when, may remove school trustee from office.....	211
appeals to, in actions relative to school districts.....	213
annual county teachers' institutes to be held by.....	236
may appoint conductors of teachers' institutes.....	237
when, may draw on state treasurer for aid to teachers' institutes.....	239
expenses for state institutes, how drawn by.....	240
establishment of bureau of information in office of.....	242
may prepare certain courses of study, etc.....	313
who to distribute report of.....	313
to prescribe forms for publication and distribution of report.....	313-315
to approve course of study for rural high schools.....	319
board of trustees of rural high schools to make certain report to.....	319
may grant kindergarten, drawing, etc., certificates.....	324-325
when may grant permission to establish county normal training classes.....	331
to be member of county normal board.....	332
to prescribe form of certificate of graduation from county normal training classes.....	333
to have general supervision of county schools of agriculture, etc.....	347
duty of, relative to establishment of day schools for deaf.....	348-353
report of commission on industrial education to be made to.....	365
SUPERINTENDENT OF SCHOOLS:	
powers and duties of, in graded school districts.....	122
in township districts, by whom employed.....	197
when president of board of education, to perform duties of.....	198
duty of, as to trnants.....	246
permit of, for employment of children.....	260
SUPERVISORS:	
map of township to be filed with.....	74
township clerk to certify taxes to.....	75, 222
to assess school taxes.....	78, 222
to assess one-mill tax.....	79
equalization of taxes by.....	81
certifying and levying taxes in fractional districts by.....	81
to deliver warrant for collection of taxes to township treasurer.....	82
to assess judgment against school district.....	101
liability for not assessing taxes.....	144
(See taxes.)	
SURETY BONDS:	
payment of premium on.....	46, 283
treasurer may furnish.....	121, 283
SURPLUS OF DOG TAX:	
how apportioned.....	273
SUSPENSION:	
of pupils from school.....	63
of teachers' certificates.....	178

The references are to compiler's sections.

T.

TAXABLE INHABITANTS:	
duties in relation to formation of district.....	28
penalty for neglect of duty.....	139
TAXATION:	
constitutional provisions relative to.....	1-2
exemption of school bonds from.....	368
TAXES:	
how surplus of one-mill, may be applied.....	33
non-taxpayers not to vote on question involving.....	43
for repairs to schoolhouse.....	46
for building schoolhouse or purchasing site.....	46
for apparatus, etc., for schoolhouse.....	46
limit of, for certain purposes.....	46, 222
amount of, for services of district officers.....	55
for incidental expenses.....	55
limit of, for support of school.....	55
estimated and reported by district board.....	55, 222
report of, by board to township clerk.....	56
money raised by, not to be diverted.....	57
for books for indigent children.....	62
assessed on division of district.....	75
when reported to supervisor.....	75, 222
apportionment of, when collected.....	77
falling to be assessed, to be levied the next year.....	78
supervisor to assess.....	78, 79, 222
assessment of.....	78, 79, 80
duties of township treasurer relative to collection of.....	78, 83
assessment, collection and disposition of.....	79
in township before any school is maintained.....	79
on old district for new.....	80
certifying of, in fractional districts.....	81
equalization of.....	81
warrant for collection of.....	82
apportionment of, when district is divided.....	84, 229
for school purposes to be paid next to township expenses.....	85
when township treasurer to pay out certain.....	87, 224
may be raised to pay borrowed money.....	93
judgments against districts.....	101
when credited on tuition of non-resident pupils.....	122
for support of libraries.....	137
liability of supervisor for not assessing.....	144
township school district, report of.....	197
amount of, how determined, etc.....	201
school, to be kept in separate column on assessment roll.....	202
school, to be in separate column.....	223
apportionment of surplus dog.....	272
board of education to vote, for payment of tuition, etc., of eighth grade pupils.....	329
TAX HOMESTEAD LANDS:	
sale of, for sites for schoolhouses.....	367
TEACHERS:	
public moneys not to be paid to, not holding certificates.....	57
to keep school register.....	59
to be furnished with copy of contract.....	59
contracts with.....	59, 122, 221
employment of.....	59, 122, 221
to file certificate of instruction in physiology, etc., with director.....	61
districts employing unqualified, deprived of primary money.....	73
not to act as agent for school books, etc.....	146
qualifications of.....	156
to give instruction regarding prevention of communicable diseases.....	159
who to give, certificates to graduates of certain colleges.....	166-168
examination of, by county board of school examiners.....	175-176
certificates given to, by county board of school examiners.....	176
grades of, certificates.....	177
revocation or suspension of certificates.....	178, 278, 279, 287
records of, certificates to be kept.....	179
list of, to be furnished township clerk.....	179
in township school districts, by whom hired, contract, etc.....	197
fees, to pay on obtaining certificates.....	234
may close school to attend institutes.....	237
registration of, desiring employment.....	242
duty of, as to truants.....	246
certificates given to certain pupils of state normal school.....	278-279
state board of education to grant certain certificates.....	287
examination of, by state board of education.....	287
with whom to file certain certificates.....	290
who to appoint, for rural high schools.....	319
act to define qualifications of certain.....	324-326
how qualified by certificates of county normal training classes.....	334
how provided for.....	335
employment of, in day schools for deaf.....	352

The references are to compiler's sections.

TEACHERS' ASSOCIATIONS:	
formation and incorporation of.....	257-279
TEACHERS' INSTITUTES:	
funds for support of, how raised.....	234-235
annual, to be held in each county.....	236
counties may be united in.....	236
teachers may close school to attend.....	237
conductor of, may be appointed.....	237
expenses of, how paid.....	238
state treasurer to aid.....	239
state, to be held annually.....	240
expenses of, how paid.....	240
expense vouchers for, where filed.....	241
who may publish outlines for.....	313
TEACHERS' WAGES FUND:	
primary money to be accounted for under.....	55
in township school district, tax for.....	197
TERM OF OFFICE:	
of state officers.....	4-9, 18-19
district officers.....	47, 120, 215
members of board of school examiners.....	172
board of trustees of rural high schools.....	318
of trustees in cities of fourth class.....	359
TEXT-BOOKS:	
by whom prescribed.....	61
on physiology, etc., by whom approved.....	61, 159, 288
to be furnished to indigent children.....	62
district board to purchase, when authorized.....	148-149
when to be property of district.....	149
when proposals for, advertised.....	150
who to make contract for furnishing.....	150
who to estimate amount necessary to purchase.....	151
when district board to purchase.....	152, 159
penalty for failure of district board to comply with law.....	153
in township school districts, board of education to select.....	197
when question of free, submitted to voters.....	205
TOWNSHIP BOARD:	
may divide township into school districts.....	27
school districts to be numbered by.....	27
may alter boundaries of districts.....	27, 35
clerk of, to notify taxable inhabitant of formation of district.....	28
duties of, in forming fractional districts.....	30
notice and number of meetings.....	34, 219
may attach certain non-residents to districts.....	36
clerk of, to notify directors of alteration in districts.....	37
to determine tax on division of district.....	38
to apportion property on division of district.....	38, 39, 229
when may appoint district officers.....	48, 49, 121
when may sell schoolhouse site.....	56
director to report to.....	70
records of, where kept.....	73
library money subject to order of.....	85, 221
on determining site, to certify to directors.....	102
when to determine schoolhouse site.....	102, 221
appeal from action of.....	117-119
restricted in altering boundaries of graded school districts.....	124
may dispose of library or merge into free public library.....	126
duties of, concerning libraries.....	126-138
to purchase books for township library.....	128, 221
to apply for library moneys.....	128, 221
to have care of township library.....	129
examination of reports of, by county commissioner of schools.....	179
township school district, meeting of, relative to organization.....	189
when to divide property between fractional districts.....	190
city districts, boundaries, authority to change.....	239
when may submit question of rural high schools.....	316
may order election of trustees of rural high schools.....	318
TOWNSHIP CLERK:	
notice of formation of new district to be given by.....	28, 29, 214
to give notice of meeting of township board.....	34
to notify director of alteration in district.....	37
director to make annual report to.....	70
to receive and dispose of communications.....	73
to make triplicate reports of school districts, etc.....	73
to perform services required by superintendent of public instruction.....	73
duty of, in distribution of primary money.....	73
duties of.....	73, 217
records, reports, books, etc., to be kept on file by.....	73, 225
map of township to be filed by, with supervisor.....	74
to report taxes to supervisor.....	75, 219

The references are to compiler's sections.

TOWNSHIP CLERK—Continued.	
to apportion moneys to district.....	76, 77
to give notice to director of moneys apportioned.....	77
to apportion one-mill tax.....	79
duty of, in appeals from township board.....	117
to represent township in legal action relative to libraries.....	126
report of, to superintendent of public instruction relative to libraries.....	133-134
liability for neglect in transmitting reports.....	141
liability for not reporting taxes to supervisor.....	144
order for removal of officers to be recorded by.....	145
list of teachers to be furnished to.....	179, 225
township school district, duty relative to organization of.....	189-191, 194
boundaries of city districts, map showing change in, filed with.....	230
to draw books for township officers.....	315
to be clerk of board of trustees of rural high schools.....	318
tax for payment of tuition and transportation of pupils to be reported to.....	330
TOWNSHIP DISTRICT:	
organization of.....	214-229
officers of, board.....	215
time and place of meeting of, board.....	217, 219
board, duties of.....	221
amount of tax voted for.....	222
report of, board.....	225
disposition of property.....	226
compensation of, board.....	228
division of.....	229
TOWNSHIP SCHOOL DISTRICT:	
board of education to have charge of library in.....	126
relative to organization of.....	189
trustees in, election of.....	189
when, altered by annexation to another township.....	212
when electors aggrieved by formation of.....	213
TOWNSHIP TREASURER:	
warrants on, by whom signed.....	66, 67
to apply to county treasurer for moneys.....	86
to give notice of moneys to township clerk.....	86, 87
to draw warrant for collection of taxes.....	90, 91
duties relative to taxes in fractional districts.....	91, 95
to pay school taxes next to township expenses.....	93
to hold moneys subject to proper orders and warrants.....	93, 221
library moneys to be paid by, to inspectors.....	128, 217, 221
to recover penalties, etc., from certain officers.....	141, 143
in township school districts, duty of.....	203
to be treasurer of board of trustees of rural high schools.....	318
TRAINING CLASSES:	
(See county normal training' classes.)	
TRAINING SCHOOL:	
in connection with state normal school.....	277
TRANSPORTATION:	
providing for, of eighth grade pupils.....	46, 329
TREASURER OF DISTRICT:	
acceptance of office.....	51, 121
to be member of district board.....	52
when and how, may be removed.....	53
and moderator to audit director's accounts.....	67
to make certain report to district board.....	72
to pay orders legally drawn, from proper fund.....	72
bond required of.....	72
deposit of moneys by.....	72
to appear for district in suits.....	72
money paid to, from old district.....	76
summons to be served on, in suits against district.....	96
to certify judgment against district to supervisor.....	98-100
penalty for neglecting duties.....	140
may collect damages from certain officers.....	144
of board of education in township school districts, duties, etc.....	200, 208
(See district board, and moneys.)	
TRUANTS:	
to be tried by justice or recorder.....	247, 256
ungraded schools to be provided for.....	248
who deemed.....	249, 255
when sent to reformatory institutions.....	256
TRUANT OFFICERS:	
how appointed.....	245
compensation of.....	245
to enforce compulsory education laws.....	246
duty of, to examine into cases of truancy.....	246-247
to warn truants and their parents or guardians.....	246
to make complaint in truancy cases.....	247
to enforce act relative to education of blind children.....	254

The references are to compiler's sections.

TRUSTEES:

(See board of trustees.)

TUITION:

payment of, when pupils attend school in another district.....	46
of non-resident pupils	65, 122
may be charged for studies in high schools.....	122
in township school districts, of non-resident pupils.....	107
payment of, of eighth grade pupils.....	329-330

U.

UNGRADED SCHOOLS:

may be established in graded school districts.....	248
juvenile disorderly persons to be sent to.....	249

UNION SCHOOL DISTRICT:

(See graded school district.)

UNITED STATES FLAG:

purchase of	163
-------------------	-----

UNIVERSITY:

constitutional provisions relative to.....	5-7, 12
regents of, may grant certain certificates.....	165

UPPER PENINSULA:

appointment of truant officers in.....	245
--	-----

V.

VACANCY:

how filled in district offices.....	48-49
in board of trustees of graded school district.....	121
how filled in board of school examiners.....	172
in office of county commissioner of schools.....	182
township school districts, in office of trustee.....	197
in board of trustees of township school district.....	218
in board of library commissioners.....	309

(See appointment.)

VARIETY THEATRES:

children not permitted in, etc.....	259
-------------------------------------	-----

VENIRE:

in proceedings to obtain site.....	104, 106
------------------------------------	----------

VISITATION:

and examination of schools.....	179, 221
---------------------------------	----------

VOTERS:

who are qualified	43, 101
challenge of	44
powers of	46, 91
qualifications of, in cities of fourth class.....	361

(See district meetings.)

VOUCHERS:

for expenditures for treasurer	72
for payments at teachers' institutes.....	241

W.

WARRANTS:

on state treasurer for primary school interest fund.....	23
on township treasurer	66, 67, 85, 217
to township treasurer for collection of taxes.....	82-83
for money used in township school districts, who to draw, etc.....	199

WATER SUPPLY:

district to vote amount of money for.....	55
district board to furnish	60

WESTERN STATE NORMAL SCHOOL:

act to establish	298-300
certain department to be maintained at.....	301

WITNESSES:

in proceedings to obtain site.....	107
summoning of, in cases where teacher is accused.....	178

WOMEN:

qualified as voters at district meeting.....	43, 191
eligible to election as district officers.....	50, 191

Y.

YEAR, SCHOOL:

when to commence	40
------------------------	----





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