5-1-1930

New Mexico School Laws

E.L. Enloe

N E W M E X I C O S C H O O L L A W S

Compiled By

E. L. Enloe

A Thesis submitted for the

Degree of Master of

Arts

in Education

May 1, 1930

P r e f a c e

The necessity for a complete compilation of the school laws of New Mexico has long been apparent.

In 1920 the State Board of Education at the request of the State Teachers' Association took the first steps toward the compilation of a school code. Although the Board spent a large sum of money for this purpose, at that time only a few of the statute laws were collected and published.

So far as I am aware, no previous attempt has been made to collect and codify all of the school laws of the state.

In this thesis I have arranged the laws under the departments of statutory, constitutional, institutional and organic laws.

After each department will be found an index arranged topically and analytically.

The laws governing the state educational institutions are separately arranged and carefully indexed.

I have also appended and indexed supreme court opinions upon all litigated matters of school law.

My appreciation is due to Dr. S. P. Nanninga, Dean of the College of Education of the University of New Mexico for many helpful suggestions in the preparation of this work.

Respectfully submitted,

.....

TABLE OF CONTENTS

SCHOOLS AND SCHOOL DISTRICTS.

ARTICLE 1. STATE BOARD OF EDUCATION.

State board of education--Duties.
The state board of education, pursuant to section 6, article 12, state constitution, shall be the governing authority of all public elementary and high schools of the state and shall cause the provisions of this chapter to be carried into effect to the end that the school laws of the state shall be properly and uniformly enforced. Said board shall determine educational policies of the state, and shall enact and publish by-laws for the administration of the public school system, which by-laws when enacted and published shall have the force of law. For the purpose of enforcing the provisions of this article, and enacting and publishing the by-laws of this board, the state board of education shall, if necessary, institute legal proceedings. The state board of education shall explain the true intent and meaning of the law, and shall decide without expense to the parties concerned, all controversies and disputes that arise under it, and their decision shall be final. The secretary of the state board of education shall have authority to administer oaths in any part of the state, to witnesses in any matter pending before said board. (L. '25, Ch. 73, Sec. 1, amending L. '23, Ch. 148, Sec. 101.

This act cited in construing other sections hereof. Board of Education v. McRae, 29 N. M. 85, 218 P. 346.
This act cited in connection with sale of school bonds in Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Appointment of members. At the 1925 regular session of the legislature, and at every regular session thereafter, the governor, with the consent of the senate, shall appoint two or three qualified persons, as the case may be, as members of said board to succeed the members thereof whose terms expire. The persons heretofore appointed as members of the said board, and those appointed under

this act, shall hold office for a term of four years after their appointment. (L. '23, Ch. 148, Sec. 102.

President and secretary. The governor shall be the president of said board, and the superintendent of public instruction the secretary thereof. For board attendance, the appointive members of said board shall each receive five ($5.00) dollars per day of actual attendance, and six ($.06) cents for each mile necessarily traveled by them from and to their respective places of residence, payable from the state board of education appropriation therefor. (L. '23, Ch. 148, Sec. 103.

Meetings. Four annual board meetings shall be held at the office of the superintendent of public instruction, and other meetings may be held as the governor or board may direct. In the absence of the governor at board meetings, the members present shall elect a president pro tempore. (L. '23, Ch. 148, Sec. 104.

Powers. The state board of education shall have the following powers:

(a) To adopt a system of school books for use in the first eight grades of the public schools and in the name of the state to contract with publishers of such books for the purchase and delivery thereof, under such regulations as said board may prescribe. Provided, however, that on the adoption of a uniform series of text books, such series shall not be changed during the period of six years next succeeding such adoption, and no adoption shall be made prior to June 15, 1927.

(b) To adopt a standard of efficiency for business colleges, commercial departments of public schools, and for private and denominational schools, and to issue certificates of recognition to such colleges and schools as meet the standard of efficiency.

(c) To adopt and prescribe a course in industrial education, including domestic science, manual training and agriculture and prescribe regulations for the teaching thereof in all schools.

(d) To hold or cause to be held, examinations for teachers for all the elementary and high schools of the state, under such regulations as it may prescribe; to fix the fees for all examinations and certifications, and pay the cost thereof from such funds as may be provided therefor.

(e) To determine qualifications of persons teaching or desiring to teach school in any of the public elementary and high schools of the state and to that end promulgate, from time to time, a system of classification of teachers.

(f) To certificate teachers according to law and the prescribed classification of said board, and at its discretion to issue temporary teaching certificates in the interim of examinations, but in no case shall a person under the age of 18 years be certificated.

(g) To revoke teachers' certificates for incompetence, immorality or for any cause which would have withheld its issuance in the first instance, but action hereunder shall only be taken after service of the accusation upon the accused person and hearing or opportunity to be heard thereon shall have been given the accused.

(h) To prescribe the times, manner and courses of study, and fees for all teachers' institutes.

(i) To make and require the performance of all needful rules and regulations respecting the general powers of supervision of schools by said board.

(j) To institute or cause to be instituted, prosecutions against all persons for violations of the school laws.

(k) To make full report of school conditions to the legislature.

(l) To prescribe and enforce a course of study in the elementary and high schools of the state and determine the number of credits necessary for graduation from all high schools.

(m) To adopt rules and regulations not inconsistent with law, for its own government and for the government of the public elementary and high schools of the state.

(n) To require reports at such times as it may deem necessary, on such forms as it may prescribe, from all state educational institutions, and from all schools coming within the provisions of this act, including private and denominational schools, and from all officials thereof. (L. '23, Ch. 148, Sec. 105.

Charge fees for teacher's certificates. The state board of education shall charge each applicant for a teacher's certificate a fee of not less than one dollar ($1.00) for examinations taken under the rules of said board set for any day or for any series of successive days, regardless of the number of examinations held on such day or series of successive days. The said board e

shall also require the payment of not less than one dollar ($1.00) for each certificate of the elementary series and for any permit issued. For each certificate issued for a period of five years or more, a fee of five dollars ($5.00) shall be required; Provided, that a life certificate shall not be issued for less than ten dollars (10.00). The said board of education shall continue to charge such other fees as have been charged heretofore, and is hereby authorized to make such additional charges as shall be just and reasonable for services rendered, or for copies of publications distributed. All fees and charges collected by said board shall be covered in the state treasury to apply on the appropriations made by the legislature for the office of the state superintendent of public instruction, the state department of education and the state board of education. (L. '23, Ch. 97, Sec. 1.

ARTICLE 2. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction--Powers. Subject to the supervision of the state board of education, the state superintendent of public instruction shall have general supervision of public instruction and shall have the following powers and be charged with the following duties:

(a) To supervise all municipal and rural schools and authorities thereof.

(b) To confer and visit with governing boards of state educational institutions and county and municipal boards of education.

(c) To suspend, after notice and full hearing, or opportunity for hearing, any county superintendent, or any institute, or cause to be initiated proceedings to remove such superintendent from office, according to law.

(d) With the consent of the attorney general, to render legal opinions upon request of any school authority.

(e) To visit the schools in each county as often as may be consistent with the discharge of his duties, for the purpose of holding teachers' meetings, conferring with county school superintendents, school boards and school authorities, and awakening and guiding public sentiment concerning practical interests of education and diffusing a knowledge of desireable improvements in the government and instruction of schools.

(f) To prescribe and cause to be printed all blanks and forms necessary in carrying out the details of the elementary and high schools, and distribute the same in such manner as in his judgment will best subserve the school interests.

(g) To prepare and distribute programs for patriotic exercises for the proper observance of holidays.

(h) To prepare and cause to be published and distributed biennially a report of all elementary and high schools, academies, normal schools, colleges, and private and denominational schools in the state.

(i) To keep a record as secretary of all proceedings of the state board of education.

(j) To compile and publish school laws and distribute the same to the various school authorities of the state.

(k) To employ at his pleasure an assistant superintendent of public instruction, who shall be thoroughly conversant with the Spanish and English languages, whose compensation shall be fixed by law. The said assistant superintendent of public instruction shall perform such duties as the state superintendent shall direct, and his acts shall have the same legal effect as those of the state superintendent. (L. '23, Ch. 148, Sec. 201.

Where the authority to employ a rural school supervisor is derived from an act of the legislature passed when the employee was not a member of such legislature, there is no constitutional objection to such legislator accepting such such employment. State v. Otero, 267 P. 68.

Moneys and reports. The said superintendent shall keep an accurate account of all official moneys received by him and, at least thirty (30) days prior to January 1st of each year, make a full and complete report to the governor of all school matters, administrative and financial, within the sphere of his official knowledge. (L. '23, Ch. 148, Sec. 202.

Grade examination papers. The said superintendent is hereby authorized to employ competent persons to grade examination papers of applicants for teachers' certificates and to pay for such service in accordance with appropriations made therefor. (L. '23, Ch. 148, Sec. 203.

ARTICLE 3. EDUCATIONAL BUDGET AUDITOR.

Educational budget auditor--Appointment--Bond. An educational budget auditor, learned in accountancy, finance and educational administration, shall be appointed by, and hold office at, the pleasure of the governor. He shall file the oath of office required of other state officers. He shall execute to the state, and file with the secretary of state, a good and sufficient surety company bond, in the amount of $5,000, conditioned for the faithful and impartial discharge of his duties. Said bond shall be approved by the attorney general, and the premium thereof shall be paid by the state out of any moneys not otherwise appropriated. (L. '23, Ch. 148, Sec. 301.

Duties. He shall be charged with the following duties..

(a) To compile and preserve accurate information concerning school finance and administration; to immediately report to the governor any violation of the budget law, or any illegal expenditures of school funds.

(b) To confer with the state tax commission as to the forms for reports and budgets to be required from all school districts, and all state educational institutions, and, jointly with said commission, to prescribe such necessary forms and reports as may be deemed expedient.

(c) To prescribe the forms for, and supervise and control the preparation of all budgets and estimates of all public schools and state educational institutions.

(d) To consult and advise with the state superintendent of public instruction in regard to financial matters affecting all schools. (L.'23, Ch. 148, Sec. 302.

ARTICLE 4. COUNTY SCHOOL SUPERINTENDENTS.

County school superintendents--Election--Bond--Salaries. The office of county school superintendent as it existed immediately prior to the passage of this act is hereby recognized and confirmed. At the general election to be held in the year 1926, and at each general election thereafter, there shall be elected in each county of the state one county school superintendent who shall take office on the first day of January following his

election, and hold office for a term of two years, or until his successor shall have been duly elected and has qualified, unless sooner removed for cause. Each county school superintendent shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath or affirmation as provided by law, which oath or affirmation shall be filed in the office of the county clerk. Within thirty days after receiving his certificate of election, or appointment, he shall give a bond in the sum of $2,000.00, conditioned on the faithful and impartial discharge of his duties. Said bond shall be approved by the district judge of the district in which the respective county is located, and filed with the county clerk, and the premium thereof shall be paid by the county out of the county salary fund. Said superintendents shall receive annually from the school funds salaries based on the number of rural school rooms in which school is being conducted under the jurisdiction of the respective county boardsof education at the time of the election of such superintendent, at the folowing rates:

In counties in which the number of such rural school rooms is twenty-five or less.....$1,600.00
In counties in which the number of such rural school rooms is more than twenty-five and less than forty-one rooms.....$1,800.00
In counties in which the number of such rural school rooms is more than forty and less than sixty-one $2,000.00
In counties in which the number of such rural school rooms is more than sixty and less than eighty-one $2,250.00
In counties in which the number of such rural school rooms is eighty-one and over.....$2,500.00
(L. '25, Ch. 64, Sec. 1, amending L. '23, Ch. 148, Sec. 401.

Devote entire time. The employed and elected county school superintendents shall devote all of their time to the performance of their official duties. (L. '23, Ch. 148, Sec. 403.

Duties. Subject to the superior and supervisory power of the state board of education and the superintendent of public instruction, the county school superintendent shall have power and be charged with the following duties:

(a) To exercise a careful supervision over all of

the rural schools of the county.

(b) To visit each rural school within his county at least once each year and at such other times as the state board of education or the superintendent of public instruction shall direct.

(c) To consult with school directors concerning the conduct of their schools and to hold teachers' meetings for the advancement of school interests.

(d) To supervise the methods of instruction in rural schools.

(e) To distribute school laws.

(f) To keep a record of official acts, which record shall at all times be subject to public inspection.

(g) To obey the legal instructions and decisions of the state board of education and superintendent of public instruction.

(h) To maintain a complete record of the boundaries of all school districts.

(i) To maintain his official office at the county seat.

(j) To make reports to the state board of education and superintendent of public instruction and to the county board of education in accordance with law and when requested so to do by such authorities.

(k) To administer oaths and affirmations to school directors, teachers and all other persons, in official matters relating to schools, without charge therefor.

(l) To make a monthly report to the state superintendent of public instruction within ten days next succeeding each school month covering the subjects mentioned in section 405 (120-404) of this act. (L. '23, Ch. 148, Sec. 404.

Reports. Prior to the 15th day of July in each year, the county school superintendent shall transmit to the superintendent of public instruction a written report covering the preceding year ending June 30th, of the number of school districts and schools inthe county; the names, age and sex of children in school attendance; the children of school age in the county; the average daily attendance in each school and the length of time each school was taught in the last school term; the number and names of teachers employed, the branches taught, the text books used; number and names of private and select schools and academies in county; the tax money produced and paid for teachers' salaries; the total amount of

public money spent for all school purposes in the county, and such other information as the superintendent of public instruction may require. (L. '23, Ch. 148, Sec. 405.

Employ clerk--Salary. When budget allowance therefor shall be made, the county school superintendent with the consent of the county board of education may employ a clerk. Such clerk shall also be clerk of the county board of education and may be allowed a salary from the school funds, which salary shall be based on the number of rural school rooms in which school is being conducted under the jurisdiction of the county board of education, at rate not in excess of:

$ 500.00 for 21 to 30 rooms.
600.00 for 31 to 40 rooms.
700.00 for 41 to 50 rooms.
800.00 for 51 to 60 rooms.
900.00 for 61 to 70 rooms.
1,000.00 for 71 to 80 rooms.
1,100.00 for 81 to 90 rooms.
1,200.00 for 91 rooms and over.

In computing the number of rural school rooms for such purpose, each district in which transportation is conducted in lieu of the maintenance of school shall be computed as one school room.

Such clerk shall under the supervision of the county treasurer, make a monthly distribution of all maintenance school funds according to distribution percentages furnished under the provisions of this act by the educational budget auditor, and shall keep ledger accounts for the various districts, showing the distribution of taxes to those districts, and the payments, and shall enter a record of all warrants issued for s chool maintenance expenses in such districts, and shall perform such other duties as may be assigned by the county school superintendent and county board of education. In counties in which the number of school rooms does not exceed twenty, no clerk shall be employed. (L. '25, Ch. 73, Sec. 2, amending L. '23, Ch. 148, Sec. 406.

Removal. The state board of education may remove any county school superintendent appointed under the provisions of section 401 (120-401) hereof for malfeasance, misfeasance or non-feasance in office, or for immorality or conviction of crime, or misdemeanor, or for incompetency, after written accusation has been served upon such county

school superintendent and hearing thereon had, or opportunity therefor given. No such superintendent, once removed by the state board of education, shall again be employed as county school superintendent in any county of the state. (L. '23, Ch. 148, Sec. 407.

Visitation expenses. For school visitation expenses, the county school superintendent shall be allowed from the school funds annually on the basis of the rooms in which school is being conducted under the jurisdiction of the county board not more than:

$250.00 for less than 31 rooms.
300.00 for 31 to 40 rooms.
350.00 for 41 to 50 rooms.
400.00 for 51 to 60 rooms.
450.00 for 61 to 70 rooms.
500.00 for 71 to 80 rooms.
550.00 for 81 to 90 rooms.
6.00 for 91 rooms or more.

Payment for such expenses shall be by voucher and based upon an affidavit of said superintendent, stating in detail the rooms visited by him and the date of each visit, accompanied by a school visitation report in such form as may be prescribed by the educational budget auditor; Provided, that where the term of office of a county school superintendent expires on December 31 of any school year, the said superintendent shall not expend more than fifty per centum of the school visitation expenses provided in the budget for such school year ending June 30th next succeeding. (L. '25, Ch. 73, Sec. 3, amending L. '23, Ch. 148, Sec. 408.

ARTICLE 5. VOCATIONAL EDUCATION.

Vocational education--Federal act accepted. The state of New Mexico hereby accepts the benefits of an act of Congress, entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the state in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, and will observe and comply with the requirements thereof. (L. '23, Ch. 148, Sec. 501.

State board of education designated. The state board of education is hereby designated as the state board for the purposes of the said act and is hereby given all necessary powers to co-operate with the federal board of vocational education in the administration of the provisions of the act. (L. '23, Ch. 148, Sec. 502.

State treasurer custodian of funds. The state treasurer shall receive and be custodian of all funds appropriated by the United States government to the state of New Mexico for the purposes of the above mentioned act and shall pay out the same on the order of theauditor, who shall have the authority of the state board of education for the drawing of any warrants on this fund, provided that all such payments must be in harmony with the purposes of the said act, and that the state board of education shall file with the state auditor copies of all vouchers covering the expenditure of such funds. (L. '23, Ch. 148, Sec. 503.

Additional federal act accepted. The state of New Mexico hereby accepts the benefits and provisions of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and will observe and comply with the requirements of said act. (L. '23, Ch. 148, Sec. 504.

State board of education designated. The state board of education is hereby designated as the state board for the purpose of this act, and is hereby empowered to do all things necessary to carry out the objects of such accepted legislation, and to co-operate with the federal government, the federal board of vocational education, or any other federal, state, or private agency in the administration of this act. (L. '23, Ch. 148, Sec. 505.

State treasurer custodian of funds. The state treasurer is hereby designated as the receiver and custodian of funds appropriated by the federal and state governments to carry out the purposes hereof, the same to be withdrawn by warrants of the state auditor, supported by itemized vouchers of the said state board. (L. '23, Ch. 148, Sec. 506.

Gifts and donations. Gifts and donations in aid of the objects of this act, in the discretion of said state board, may be received and expended in pursuance of such directions as may be attached thereto, a full report thereof to be made annually by said state board to the governor. (L. '23, Ch. 148, Sec. 507.

Assent to act of Congress granted. That the assent of the legislature of the state of New Mexico is hereby given in pursuance of the requirement of the act of Congressentitled, "An act to provide for the further development of vocational education in the several states and territories," approved February 5, 1929, commonly known as the "George-Reed bill" to the purposes of the grants of moneys authorized by such act, to the carrying out within the state of New Mexico, of all and singular, the provisions of said act. (L. '29, Ch. 107, Sec. 1.

An act accepting the provisions of that act of Congress entitled "An act to provide for the further development of vocational education in the several states and territories." approved February 5, 1929, commonly known as the "George-Reed bill." (Approved March 11, 1929.

ARTICLE 5. SCHOOL FINANCE AND TAXATION.

School budget commissioners. In the month of April in each odd numbered year each board of county commissioners shall appoint one resident taxpayer of said county from each of the two dominant political parties, who shall serve as school budget commissioners, and, who with the educational budget auditor, shall, prior to June 20th of each year, fix the budget allowances for all public elementary and high schools in the county. The said commissioners shall each receive as compensation the sum of $5.00 per day for actual attendance upon budget hearings, and traveling expenses to and from the county seat at the rate of 10 cents per mile for each mile actually travelled. (L. '25, Ch. 73, Sec. 4, amending L. '23, Ch. 148, Sec. 601.

Estimates for budget. The governing boards of all school districts shall submit to their respective school budget commissioners, an estimate of school maintenance

and direct district charges of the public schools within their jurisdiction for the ensuing school fiscal year. After January 1st, 1924, such estimates shall be submitted to the school budget commissioners prior to April 15th of each year.

When items are included in such estimates for insurance upon school buildings, as provided in section 6, chapter 73, Laws of 1925, and transportation of pupils, the same may include premium for a period of three years or five years when a three year insurance policy or a five year insurance policy can be purchased at a lower proportionate rate of premium than a one year insurance policy, and the same may include provision for a contract for transportation of pupils covering a period of one to two years. (L. '29, Ch. 63, amending L. '27, Ch. 139, Sec. 1; L. '23, Ch. 148, Sec. 602.

An act to amend Sec. 602 of Chapter 148, session laws of 1923, relating to insurance of school property and transportation of pupils, as amended by Sec. 1 of chapter 139, session laws of 1927. (Approved March 11, 1929.

Budget allowances. Budget allowances shall include elementary and high school maintenance, county and municipal board administrative expense, county emergency funds, direct district charge funds, interest on bonds, sinking funds and school maintenance suspense fund. These may be further divided as the educational budget auditor and the state tax commission may require. Transfer of funds within the maintenance division may be made by the governing board with the consent and approval of the educational budget auditor; Provided, however, that the emergency fund may be transferred only as the state tax commission may direct and no expenditure shall be made from the emergency fund unless and until the transfer has been approved by the state tax commission. (L. '25, Ch. 73, Sec. 5, amending L. '23, Ch. 148, Sec. 603.

What included. Elementary and high school maintenance shall include all teachers' salaries, janitor's wages and supplies, fuel, water and light, interest on certificates of indebtedness, library and school supplies, books for indigent children, census enumeration, transportation of pupils, county and municipal board administration expenses, and may include salary and expenses of truant officer and school nurse.

Direct district charge funds shall include property insurance, lease of school buildings, erection of school

buildings, repair to school buildings and equipment, new equipment, purchase of school grounds, improvement of grounds and buildings, repairs to and original cost of all school trucks and wagons, and interest on and sinking funds for district school bonds. (L. '25, Ch. 73, Sec. 6, amending L. '23, Ch. 148, Sec. 604.

Certification of budgets. Not later than June 15th of each year the educational budget auditor shall certify the budgets to the state tax commission. (L. '23, Ch. 148, Sec. 605.

State tax commission fix allowances. Before July 1st of each year, the state tax commission shall fix the final budget allowances for said schools and thereupon certify same to the board of county commissioners, the county treasurer, and to county, municipal, union high school and independent boards of education. Where section 605 (120-605) has been complied with and the final budget allowances are not made by the state tax commission within the time specified herein, the educational budget auditor shall fix the final budget allowances for said schools, and thereupon certify the same to the said boards and treasurers. (L. '23, Ch. 148, Sec. 606.

Cited in construing validity of bonds, in Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Certify tax levies and rates. After deducting school cash balances as of June 30, anticipated apportionmentof commong school income funds, current school funds, delinquent taxes, school maintenance suspense fund as hereinafter provided for, and all other credits applicable to school maintenance, the state tax commission shall certify to the board of county commissioners before September 1st of each year the net amount to be raised by tax levies and rates thereof. (L. '25, Ch. 73, Sec. 7, amending L. '23, Ch. 148, Sec. 607.

School maintenance suspense fund. In order to provide funds with which to meet current cash needs at the opening of the school term beginning July 1st, 1926, and each school year thereafter, the state tax commission shall before calculating the net amount to be raised by

tax levies and rates thereof, add to the total amount of the school maintenance budget such amount not in excess of five per cent. of such budget as together with other cash balances and funds receivable may be necessary to conduct school operations on a cash basis for a period of two months.

The county treasurer shall create a separate fund, as hereinbefore provided, to be known as school maintenance suspense fund and into such fund he shall credit at the time of making monthly distributions the percentage of income for maintenance purposes as certified to him by the educational budget auditor, and no payment shall be made out of said school maintenance suspense fund except for maintenance expense for the next succeeding school year, and it shall be unlawful for any state or county commission, official or board to authorize or direct the expenditure or loan or transfer of any moneys from said school maintenance suspense fund for any other use or purpose. (L. '25, Ch. 73, Sec. 8, amending L. '23, Ch. 148, Sec. 608.

Budget not to be altered. Budgets shall not be altered or amended after final approval, except by the state tax commission, after advertisement and public hearing, and no such alteration or amendment thereof shall in any case be made for anyyear after September 1st. (L. '25, Ch. 73, Sec. 9, amending L. '23, Ch. 148, Sec. 609.

Educational budget auditor prepare county budget if commissioners fail to prepare. Where the county budget commissioners or governing authorities of the school fail to prepare a budget or estimate hereunder, the educational budget auditor shall prepare the same from such information as he may possess. (L. '23. Ch. 148, Sec. 610.

Budget allowance not to be increased over five per cent. The total budget allowance of any district shall not be approved for more than five (5) per cent. in excess of the allowance for the district for the last preceding year unless the state tax commission shall enter an order that the increase is essentially necessary. (L. '23, Ch. 148, Sec. 611.

Diverting budget allowance. Any county or school officer diverting or expending any school money contrary to the budget allowance, with his sureties, shall be

liable to the state for the amount thereof. (L. '23, Ch. 148, Sec. 612.

Penalty. Any county officer or school official who shall violate any of the provisions of this act, shall be fined not more than one thousand ($1,000.00) dollars or imprisoned for not more than one year in the penitentiary, or be fined and imprisoned as aforesaid in the discretion of the court. (L. '23, Ch. 148, Sec. 613.

Tax for state common school current fund. Each board of county commissioners, when other county taxes are levied, shall annually levy a tax on all the taxable property of the county of one-half of one mill, and the proceeds thereof shall be monthly transmitted to the state treasurer and covered into the state common school current fund. (L. '23, Ch. 148, Sec. 614.

School levies. The board of county commissioners shall annually levy, at the time of making other county levies (1) a general county school tax, not in excess of eighteen mills, at the rate certified by the state tax commission, and (2) a special district tax in the district to meet all direct charges. The rate of the special district tax for all direct charges, excepting interest and sinking fund, shall not exceed five mills on the dollar. (L. '23, Ch. 148, Sec. 615.

Distribution of school funds. The educational budget auditor shall annually certify to each county treasurer the percentage of distribution of all maintenance school funds, among the various districts of the county, also the percentage to be credited to the administrative funds, emergency fund, and school maintenance suspense fund. Each county treasurer shall create and maintain for each district within the county a school maintenance account and where levies have been made for same, he shall create and maintain a separate district direct charge account. He shall create and maintain one emergency fund and one administrative fund account for the county, one school maintenance suspense account, and in case any district in the county has an administrative budget, a separate administrative account shall be kept for such district by said treasurer. (L. '25, Ch. &3, Sec. 10, amending L. '23, Ch. 148, Sec. 616.

Separate fund for each district. The district tax proceeds for direct charges shall be credited to each district from which collected, in a separate fund, and be disbursed upon the warrant or voucher of the governing authority of such district. (L. '23, Ch. 148, Sec. 617.

County treasurer shall keep all district funds. All school funds to the credit of any district shall be kept by the county treasurer and withdrawn only by warrant or voucher of the proper board of education, as and when the expense matures. Treasurers of all county and municipal boards of education shall forthwith transmit to the county treasurer for credit of their respective districts any school moneys in their possession or control at the time this act takes effect. (L. '23, Ch. 148, Sec. 618.

Apportionment of state current fund. Annually on July first, the state treasurer shall certify to the superintendent of public instruction and the educational budget auditor, the money in the state common school current fund for apportionment and the same shall thereupon be apportioned by said superintendent and said auditor specifically among all the common school districts of the state upon the basis specified in section 4, article 12, of the state constitution. The said apportionment shall thereupon be certified to the state auditor and state treasurer, and, as it affects individual counties, to the respective county treasurers and county, independent and municipal boards of education. The state auditor shall thereupon draw his warrant on the state treasurer infavor of the proper county treasurer for the apportioned amount of the combined districts of the county and the same shall be credited by the county treasurer to the individual school districts of the county in accordance with the certified apportionment and used for the maintenance of schools therein. (L. '23, Ch. 148, Sec. 619.

Withdrawing district funds from county treasurer. Funds in the county treasury to the credit of the respective school districts shall be withdrawn only upon the warrants of the county, independent or municipal boards of education or union high school boards, as the case may be, and in no event shall any money credited to any district be expended or debts be incurred, except as herein authorized. (L. '23, Ch. 148, Sec. 620.

led By
, Ch. 10
ned for
quent tax
ses.

Poll tax. All able bodies (bodied) persons resident of the state, between the ages of 21 and 60 years, shall annually pay a poll tax of two dollars ($2.00) each, between February 1st and April 15th. L. '23, Ch. 148, Sec. 621

Sections are held not to operate for the collection of poll taxes for the year 1923. Former legislation as to poll taxes and the remedies for their collection held to be in force for the year 1923. Board of Education v. McRae, 29 N. M. 85, 218 P. 346.

led By
5, Ch. 10
ned for
quent
ax
poses.

Collection. The clerks of the rural school districts and the clerks of independent and municipal boards shall prepare lists of persons in their districts subject to said tax and post a copy thereof in some conspicuous place in the district prior to February first. They shall collect from every person liable to such tax the sum of two dollars ($2.00) each, giving consecutively numbered receipts and returning consecutively numbered stubs therefor and make full report thereof on April 16th, to the county treasurer, at which time they shall remit to such treasurer for the credit of the district the tax so collected, less $1.00 per hundred of genuine poll tax payers' names on the said list and ten per cent. of the amount collected, as their pay and commission for services rendered. They shall also at said time make full report thereof to the county school superintendent and such further reports as the county school superintendent shall require. The district attorney, upon request of any person or school authority shall bring suit against any delinquent hereunder, in the name of the school district and no property shall be exempt from execution in said suits. (L. '23, Ch. 148, Sec. 622.

Held not to operate for the collection of poll taxes for the year 1923. Former legislation as to poll taxes and the remedies for their collection held to be in force for the year 1923. Board of Education v. McRae, 29 N.M. 85 218 P. 346.

ARTICLE 7. SCHOOL BONDS

School bonds--Issue and form. For the erection of school buildings and purchase of school grounds, school districts of the state shall have the power to issue negotiable bonds of the district. When the amount of a

bond issue is $10,000.00 or less, such bonds may be issued in the form of term bonds, due not less than five years nor more than twenty years from date of issue, redeemable at the pleasure of the power issuing same at any time designated in the bonds. In case of term bonds, sinking funds may be provided, commencing the third year after date of issue for the payment of the principal of such bonds at the date of option, or when matured, as the governing authorities may elect; Provided, that after the lapse of two-thirds of the term of such bonds, an annual levy for sinking fund therefor shall be made sufficient to pay such bonds at maturity. When sinking funds sufficient to retire one or more term bonds shall have been accrued, the county, municipal, independent or union board of education shall be (by) lot select the bond or bonds to be called for redemption at the next interest date and the county treasurer shall notify the holders of said bond or bonds by publication ina newspaper of general circulation throughout the county, in two successive issues, not less than thirty days prior to the date of redemption, calling said bond or bonds for redemption on the next interest bearing date, and after such date the said bond or bonds shall cease to bear interest.

All bond issues in an amount over $10,000.00 shall be issued in serial form, to run for not less than five years, nor more than twenty years, and shall be payable in consecutive order in substantially equal annual installments, commencing the fifth year from date of issue. Sinking fund shall be provided commencing the third year after date of issue for the payment of the principal of serial bonds as herein authorized at the date of maturity. All bonds shall bear interest from date of issue at a rate not exceeding 6 per cent. per annum. The county treasurer shall offer such bonds for sale after publication of notice of the time and place of sale, in a newspaper of general circulation throughout the county in which issued, and also in one financial newspaper in the city of New York, once each week for four consecutive weeks next prior to the date fixed for such sale. Such notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale, and the place, day and hour at which sealed bids therefor will be received and opened, and that only unconditional bids will be considered, and that each bid must be accompanied by a certified check, drawn on a solvent bank or trust company, payable to the order of the county treasurer, for not less than five per centum of the amount of the bid, as a guaranty

that the bonds will be taken by the bidder if his bid is accepted, and to be forgeited if the bid is accepted and the bidder does not take the bonds in accordance therewith. At the place and time specified in such notice, the county treasurer and the chaiman or secretary of the board to whom was presented the petition askingfor the calling of election at which the said bonds were authorized shall open the bids in public and the board shall award the bonds to the responsible bidder or bidders offering the highest price therefor, but no bid shall be accepted for less than ninety-five per centum of the par value of the bonds, plus the interest accrued from the last preceding interest date to the date of sale. Before delivery of bonds to the purchaser, the county treasurer shall detach and cancel all matured interest coupons. No bonds authorized hereunder shall be issued or sold in excess of the authorized amount. No commission, attorney's fees, examination fees or any espenses, other than advertising shall be paid for the sale of any bonds. Bonds issued hereunder shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEW MEXICO

Serial No..... Bond No.....

City of.....
(If a City)

School District No....., County of.....

SCHOOL DISTRICT BOND

The.....
(Official Title of Board)

State of New Mexico, on the faith, credit and behalf of the school district above mentioned, hereby acknowledges said district indebted and promises to pay to the bearer .....years from date hereof, the sum of..... dollars in lawful money of the United States of America, with interest thereon from date hereof at the rate of..... per centum per annum, payable semi-annually on the..... days of.....and .....each year, coupons therefor being attached hereto, both principal and interest being payable upon presentation and surrender of this bond or the proper coupon at the office of the

state treasurer of the state of New Mexico, or at.....
.....at the option of the holder hereof.

This bond is one of a series of bonds numbered .....to....., inclusive, of the denomination of.....aggregating.....dollars, and was duly authorized by the legally qualified voters of said district at an election held on..... the "transcript of bond proceedings" therefor being approved by the attorney general of the state of New Mexico on the.....day of....., 19..... This bond is issued under the provisions of chapter.... laws of 1923, state of New Mexico, and acts amendatory thereof, and ~~will~~ all the acts, matters and things required to occur, be done and performed to legally issue said bonds, have duly occured, happened, been done and performed. This bond is redeemable by the authority issuing it, any time after.....years from its date, by paying the principal and accrued interest and giving public notice of desire to redeem and thereafter this bond shall cease to bear interest. The date of this bond is.....
.....

In testimony whereof, the said.....
(Official Title of Board)
State of New Mexico has caused the seal of said board to be hereto affixed and this bond to be signed by the.....
.....

Bond Serial No.....
Coupon No.....

INTEREST COUPON

School District No....., County of.....,

New Mexico.

On this.....day of....., 19.....,
.....
(Official Title of Board)
for and on the behalf, faith and credit of school district No....., County of,,....., State of New Mexico, hereby promises to pay to bearer at the office of the state treasurer of the state of New Mexico, or .....at the option of the holder thereof, ...dollars, being six months interest then due on said bond and numbered.....
.....

(L. '27, Ch. 139, Sec. 6, amending L. '25, Ch. 73, Sec. 11; L. '23, Ch. 148, Sec. 701.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisher v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Under the provisions of this section, a notice of the time and place of a sale of bonds issued by school district, published in the issues of May 22d and 29th and June 5th and 12th, is valid notice, and authorizes a sale of said bonds on the date fixed therein as June 22d. Devine v. Municipal School District, 270 P. 798.

Petition for issuance. To initiate the right to issue bonds hereunder, a petition in duplicate asking for the calling of an election must be filed between January 15 and May 31, both inclusive (and at no other time), with the board of county commissioners in case of rural districts, with the city council or board of trustees in cases of municipal districts, and with the union high school board in the case of union high school districts, containing the genuine signatures of qualified electors of the district, who shall have paid a property tax therein during the prededing year, to the number of ten per cent. of the combined vote cast in said district at the last preceding general election for governor. Said petition may be substantially the following form:

"The undersigned, qualified voters of school district No....., County of.....,New Mexico, petition the.....
(Board of Council or trustees)
to call a special school bond election in said district for the purpose of voting upon the following questions:

1. Shall the said district vote its bonds in the total sum of.....?

(Here insert purpose for which bonds are to be issued, as:

'Erect and furnish school buildings' or (and) 'purchase of school ground.')

Two separate questions may be submitted in the petition for election, in which case the vote thereon shall be separately counted, canvassed and certified, but not more than one such election hereunder shall be held in any two consecutive years." (L. '27, Ch. 139, Sec. 2, amending L. '23, Ch. 148, Sec. 702.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Election upon approval of petition. Upon receipt of said petition the official body to which the same shall be addressed shall meet and determine the sufficiency of said petition and the genuineness of the signatures thereto and in the event of its affirmative finding of sufficiency thereof it shall order an election for said purpose to be held in said district at a designated time, which shall be not less than thirty nor more than fifty days after such finding, but in no event shall any such election be held on or within five days preceding or succeeding any general election held in the county. The said finding of said official authority shall be made by resolution, spread on the records and may be substantially as follows:

Whereas, a petition for the calling of an election to vote on issuance of bonds of an election to vote on issuance of bonds for school purposes in school district No.....County of....., New Mexico, has been duly presented, and found to be in accordance with law;

Now, therefore, it is resolved that an election for said purposes shall be held in said district on the..... day of....., 19.....

Ayes:.....

(Names of members voting affirmatively.)

Nays:.....

(Names of members voting negatively.)

Done this.....day of....., 19.....

(L. '23, Ch. 148, Sec. 703.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30, N. M. 454, 236 P. 743.

Publication of resolution for election. The authority passing such resolution shall cause a copy of said resolution to be published in a newspaper at least fifteen days before the date set for said election, and obtain affidavit of publication therefor. ~~(L.~~ '23, Ch. 148, Sec. 704.

Notice of election. At least five days prior to the date set for holding such election the said official authority calling it shall publish in a newspaper, and post in five conspicuous places in the district a notice of election which may be in substantially the following terms:

Notice of Special School Bond Election.

Notice is given that on the.....day of....., 19....., there will be held in school district No....., County of....., New Mexico, an election for the purpose of determining whether said district shall become indebted in the total sum of $.....and issue bonds therefor for the purpose of.....

(Here state purpose, as "erecting and furnishing school building, etc.")

.....

(Official title of authority.)

(L. '23, Ch. 148, Sec. 705.

Under article 7 hereof, a proposal to issue and sell in April 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Form of ballots. The form of the ballots to be used to such elections shall be substantially as follows:

Bond Election for District No.....

County of....., New Mexico.

For the issuance of bonds of the district in the total sum of $....., for.....

(purpose)

~~A~~ Against the issuance of bonds of the district in in the total sum of $....., for...////....

(purpose)

Only such ballots as are substantially in conformity to the form herein specified shall be cast, counted or canvassed and no ballot containing any identification mark or qualifying words or statements shall be counted. The provisions of sections 2015 to 2020, both inclusive, and 2027 and 2028, code 1915, shall have application to elections held hereunder. (L. '23, Ch. 148, Sec. 706.

Election judges and supplies. Elections hereunder shall be held on the day for which the same were called. The authority calling the election shall:

1. Appoint three election judges, who shall take

the oath provided by section 1982, code 1915, before entering upon the discharge of their duties and serve without pay.

2. Deliver ballot boxes and supplies to said judges at least one day preceding the date of the election.

3. Deliver a sufficient number of printed ballots to said election judges prior to the day of election.

4. Deliver to said judges a blank "certificate of result of election." (L. '23, Ch. 148, Sec. 707.

Election--Polls--Certificate of results. The hours for casting votes at said election shall be from eight A. M. until six P. M. One ballot shall be delivered to each qualified voter of the district presenting himself to vote, and after he marks the same it shall be folded by him and placed in the ballot box by the judges of election. At the close of the election, the said judges shall publicly count the vote cast and replace the voted ballots in the ballot box and seal and return same to the authority from whom it was received. The judges shall execute and deliver forthwith to the said authority a certificate of result of election, which may be substantially in the following form:

The undersigned duly appointed election judges have counted the vote cast at election for school district No.....County of....., New Mexico, held on the.....day of....., 19....., and find the result as follows:

For the issuance of said bonds for.....
(purpose)

there was cast.....votes;

Against the issuance of said bonds for.....
(purpose)

there was cast.....votes.

.....

.....

.....
(Judges of Election)

(L. '23, Ch. 148, Sec. 708.

Canvass of vote. Within ten days after such election the authority calling it shall publicly canvass the returns of such election and ascertain from an inspection of the ballots cast the result thereof. It shall thereupon enter in its record a certificate of the canvassing and result of said election which may be substantially as follows:

The undersigned authority certifies that it canvassed the returns of a special school district election held on the.....day of....., 19..... , in school district No....., county of....., New Mexico, and finds the result of said election to be as follows:

Ballots legally cast for the issuance of school bonds in the total sum of $.....for.....
(purpose)

were.....
(number)

Ballots legally cast against last specified proposition were.....
(number)

Dated this.....day of....., 19.....
(L. '23, Ch. 148, Sec. 709.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Affidavit of publication of certificate. Within ten days thereafter a copy of said last mentioned certificate shall be published in a newspaper in conformity to the publication section provided herein and affidavit of publication shall be obtained therefor. (L. '27, Ch. 139, Sec. 3, amending L. '23, Ch. 148, Sec. 710.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Attack upon petition. Any time prior to five days preceding the day set for an election, but not afterwards, any person or corporation may attack the validity of the petition asking for the election or the resolution approving said petition, or both, by action in the district court of the county of the ~~district~~ affected and the court shall have power to require appearance and answer therein in such time

as it shall elect. All such cases shall take precedence over all other court business. (L. '23, Ch. 148, Sec. 711.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Court action upon validity of proceedings. Any person or corporation may institute in the district court of the county of the district affected an action or suit to contest the validity of all proceedings taken subsequent to those mentioned in the last preceding section, but no such suit or action shall be maintained unless the same be instituted within ten days after the publication of the certificate specified in section 709 (120-709) hereof. (L. '23, Ch. 148, Sec. 712.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923, Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Certificate that no action is pending in district court. Upon application of any person, the clerk of the district court of the county in which the school district affected is situated shall make a certificate, if the facts warrant and not otherwise, substantially as follows:

"State of New Mexico,)ss.
County of.....)
The undersigned certifies that the records of my office disclose no pending suit or action against.....
.....,
(Authority issuing or to issue or its members, attacking, said bonds)
or any judgment of record invalidating, the right of said authority to issue bonds under an election held in school district No....., County of.....,
19.....
(Seal) .....
(Clerk of District Court)"

(L. '23, Ch. 148, Sec. 713.

Approval by attorney general before issuance. Before any bonds shall be issued hereunder the county commissioners

as
or the city council, or town or village trustees, the case may be, shall make up and submit to the attorney general for approval or rejection a transcript or bond proceedings which shall contain one copy of the following:

1. Petition mentioned in section 702 hereof;
2. Resolution mentioned in section 703 hereof;
3. Affidavit of publication in section 704 hereof;
4. Notice of election mentioned in section 705 hereof.
5. Form of ballot used, mentioned in section 706 hereof.
6. Certificate of canvass of election mentioned in section 709.
7. Certificate of result of election mentioned in section 708.
8. Affidavit of publication mentioned in section 710.
9. Certificate of court clerk mentioned in section 713.
10. Original affidavit of authority presenting transcript that copies are true and correct copies of originals on file, Section 714.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923. Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Attorney general attach certificate of approval. The attorney general shall attach his certificate of approval or rejection to said transcript, after careful investigation ~~to said transcript, after~~ of the legality of said election and proceedings as shown by said transcript, and return same to the authority from which received. When the attorney general shall approve such transcript, the authority to issue bonds under such election shall mature, and not otherwise, unless (and until) the validity of the bond proceedings be established by prior court action. Provided, however, that bonds hereunder shall not be issued or sold after July 1st, in any calendar year. (L. '23, Ch. 148, Sec. 715.

Under article 7 hereof, a proposal to issue and sell in April, 1924, school bonds voted in May, 1923, will not be enjoined for the sole reason of failure to issue and sell them on or before July 1, 1923, Fisherdick v. San

Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Register all bonds. The authority issuing bonds hereunder shall register the same, showing number, date, amount and interest on and payment thereof. (L. '23, Ch. 148, Sec. 716.

Payment of principal and interest. Principal of and interest of said bonds shall be payable to the office of the state treasurer or designated bank, upon presentation of bonds or coupons, as the case may be, and upon payment, the said bonds and coupons shall be marked cancelled and delivered to authority issuing same and retained until such time as the educational budget auditorshall direct the destruction thereof. (L. '23, Ch. 148, Sec. 717.

Taxation for interest and sinking fund. Annually the board of county commissioners shall levy a tax in the district sufficient to pay the interest and when necessary to provide for the sinking funds for said bonds, as herein otherwise provided. (L. '23, Ch. 148, Sec. 718.

Cited in construing validity of bonds, in Fisherdick v. San Juan County Board of Education, 30 N. M. 454, 236 P. 743.

Limitation as to amount of indebtedness. No bonds shall be issued in any school district, which, with existing indebtedness of the district, shall create in the district an indebtedness exceeding six per cent. of the assessed valuation of the taxable property therein, as such valuation is shown by the last preceding general assessment. (L. '23, Ch. 148, Sec. 719.

ARTICLE 8. RURAL SCHOOLS.

County board of education--Old board abolished. All county boards of education, as they are now constituted, shall cease to exist upon the date when the members of the county boards of education, herein provided for, shall have been selected and shall qualify. All

public records and all public property, now in the hands of county boards of education, shall be delivered to the county board of education, as herein created, immediately upon their qualifying.

Hereafter, county boards of education shall consist of five members, who shall be legally qualified electors and no more than three of whom shall belong to the same political party. One of said members shall be a resident of and selected from each of the three county commissioners' districts, one shall be selected at large, and the fifth member shall be the county school superintendent, and not more than two of such appointed members shall reside in incorporated municipalities. Said board shall be styled.....county board of education and shall have power ~~t~~ as such to sue and be sued, contractand acquire and dispose of school property pursuant to law. (L. '29, Ch. 116, Sec. 1, amending L. '27, Ch. 96, Sec. 1; L. '25, Ch. 132, Sec. 1; L. '23, Ch. 148, Sec. 801.

An act to amend Sections one and two of chapter 96 of the laws of 1927, relative to county boards of education. (Approved and ~~feree~~ in force March 11, 1929.

In proceedings by new county board of education against old board, granting perpetual injunction against them, held error, since court could only protect possession of new board until question of office could be litigated. Guadalupe County v. Anaya, 41 N. M. 182, 242 P. 335.

Organization of board. The county board of education herein provided, shall, from their own number elect a president and vice president. The county school superintendent shall be the secretary of said board. The board shall meet at the county seat of its respective county on the first Monday in January, April, July and October and shall hold such additional meetings as shall be called by the president of the board or two or more of its members. No member of such board shall receive in any one year, as per diem payments more than the sum of one hundred dollars ($100.00). For attendance at meetings of the board, the members shall receive two dollars and fifty cents ($2.50) per day of actual attendance, plus traveling expenses to and from meetings at a rate not in excess of ten cents per mile for each mile actually traveled by the shortest usually traveled route. When transportation is by railway train or bus line, only the actual fare shall be allowed. Provided, the county

school superintendent shall receive no additional salary for county board attendance. (L. '27, Ch. 96, Sec. 2, amending L. '25, Ch. 132, Sec. 2; L. '23, Ch. 148, Sec. 802.

Oath and bond of members--District judge appoint. Each member of said board shall take an oath of office and execute a surety company bond in the sum of three thousand ($3,000.00) dollars, conditioned on the faithful performance of his duties and the proper and legal drawing of all school vouchers and warrants and disbursements of school funds, and said bonds shall be approved by the district judge and filed with the county clerk. The premiums on such bonds shall be paid from the county board administrative fund.

The district judge of each judicial district shall appoint from the qualified electors of the respective counties of his district, four members of the county board of education on or before July 1st, 1927, and on or before January 1st of each odd numbered year thereafter. Any appointed member of a county board of education may be removed at any time by the state board of education for conviction of any felony or of any misdemeanor involving moral turpitude; failure, neglect or refusal to discharge any duty devolving upon the officer by virtue of his office; knowingly demanding or receiving illegal fees as such officer; failure to account for money coming into his hands as such officer; gross negligence in discharging the duties of the office; any other act or acts which in the opinion of the state board of education amount to corruption in office or gross immorality rendering the incumbent unfit to fill the office. (L. '29, Ch. 116, Sec. 2, amending L. '27, Ch. 96, Sec. 3; L. '25, Ch. 132, Sec. 3; L. '23, Ch. 148, Sec. 803.

Control of rural schools. Except with respect to independent and union high school districts, the county board of education shall have supervision and control of all rural schools and districts, and of sites, buildings, equipment and funds of said districts, with the power to employ and discharge all teachers and all school employees of said schools, subject to the limitations herein otherwise provided; Provided, that the county board of education may, in its discretion, delegate to the county school superintendent the power to employ and discharge all teachers and school employees. Contracts involving the expenditure of five hundred dollars

or more, shall be in writing, and upon sealed competitive bids, after notice and advertisement of such bids shall have been published once a week for four consecutive weeks in some legal newspaper of general circulation in the county; Provided notices and advertisement shall not apply to teachers' salaries. When plans and specifications for the erection of school buildings shall have been changed, altered or revised after advertisement of bids for the construction thereof, the governing boards shall be required to re-advertise for new bids, provided that it shall not be necessary to re-advertise for bids to cover minor alterations or changes in plans required to correct errors or omissions in the original specifications. (L. '25, Ch. 73, Sec. 12, amending L. '23, Ch. 148, Sec. 804.

Rural school districts--Change and consolidation. Rural school districts may be changed or consolidated after a petition, filed with the county board of education prior to the first day of April in any year, containing the signatures of qualified electors of the respective districts affected, to the number of 15% of the electors in each district. The county board of education shall, within ten days after the filing of such petition, call an election in each district affected upon the question, to be held under the supervision of school directors. Said election shall be called, conducted, canvassed and proclaimed in substantially the same manner as is provided in this act for bond elections. If a majority of the qualified electors in each district shall vote in favor of the consolidation or change, it shall be made upon order of the county board of education, but an election on the question of consolidation or change shall not take place in any district oftener than once in two years, nor shall the order of consolidation or change be effective until July 2nd, next following the making of such order. In no case shall any consolidation of or change in boundaries in school districts be made so as to reduce the assessed valuation of any district affected by such change or consolidation to a point where the bonded indebtedness is greater than six per cent. of the assessed value of all property remaining in any such district. (L. '23, Ch. 148, Sec. 805.

Size. All districts shall be as nearly square as the topography will permit. Hereafter in no event shall any consolidation in ordinary rural districts be made which will make any side or boundary line thereof longer than ten miles and in the case of consolidated districts longer than twenty-five miles, nor shall the longest side or boundary line of any district, ordinary or consolidated, be greater in length than twice the length of the shortest side or boundary line. (L. '23, Ch. 148, Sec. 806.

Re-apportionment upon changes or consolidateion. Upon changes or consolidation, under this chapter, the county board shall make such re-apportionment of the resources, debits and credits of the affected districts as shall to it seem proper, subject to review by the state board of education upon application of the board or school directors or taxpayers aggrieved. (L. '23, Ch. 148, Sec. 807.

Consolidations may be in two counties. Consolidations of rural school districts made in two or more counties may be effected in the same manner and subject to the same restrictions as provided in the last three preceding sections and the county boards of education of the territory or districts affected shall jointly act in the proceedings to consolidate. The county which had the largest average daily attendance within the territory consolidated shall govern said consolidated districts as though it were wholly within its own territory, except as to the making of tax levies. Funds of the fractional part of the consolidated district in the servient county shall be transferred from time to time to the county treasurer of the dominant county and credited to the consolidated district. (L. '23, Ch. 148, Sec. 808.

Power of eminent domain. The county board of education shall have power to acquire real estate by way of eminent domain as in the case of railroads. It shall also have power to issue school district bonds in the manner provided for in this act. The county board of education may constitute any board of school directors its agent to execute any ministerial duties, including repair to and maintenance of school buildings, grounds and

reports to the state superintendent of public instruction file a true and correct copy thereof with their respective county school superintendent. (L. '25, Ch. 73, Sec. 14, amending L' '23, Ch. 148, Sec. 811.

Rural schools--Directors. In each rural school district there shall be a "board of school directors" composed of three persons. In newly created districts the county school superintendent shall appoint the three members of said board to hold office until the next succeeding election for school directors. All rural school directors shall be elected for a term of three years, and in any newly created district at the first election of school directors, one shall be elected for a term of one year, one for a term of two years, and one for a term of three years, so that annually there shall be elected in each rural school district, one director, except when it shall be necessary to elect more in order to fill vacancies. (L. '23, Ch. 148, Sec. 812.

Election of directors. On the second Tuesday of March of each year the directors serving at that time shall post notice of an election to be held by them on the first Tuesday in April by the qualified voters for one school director. Only legal voters, residing in said district shall be qualified to vote at said election; the votes shall be by written or printed ballots, and the elections shall be held between the hours of eight A. M. and six P. M. on the first Tuesday of April, at the public school house or some other convenient place to be specified in said notice; the result of said election shall be certified by said directors to the county school superintendent, and the terms of office of said directors shall begin on the first Monday of May following their election. The directors so elected shall take and file with the county school superintendent, before the first Monday of May, an oath of office, which shall be administered by the directors serving, and in said oath shall be set forth the number of said school district.

Any school director who shall fail to call the election and post the notices therefor or to correctly certify the result of such election as required in this section shall be deemed guilty of malfeasance in office and shall be disqualified from again holding said office by appointment or otherwise for a period of one year thereafter, and shall ~~be fined~~ not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned

in the county jail, not less than twenty-five nor more than one hundred days. And it shall be the duty of the county school superintendent to make affidavits of the facts to the district judge or before any justice of the peace and to act as prosecuting witness against said director. The said school directors shall truly canvass the vote cast at the election and send the ballots, together with their certificate of election, to the county school superintendent, where said ballots shall remain in his custody for the period of thirty days, during which time notice of contest may be given by any person interested. If no such notice shall be given within such period, the county school superintendent shall destroy such ballots. But if such notice of contest be given it shall be his duty to turn the same over in exactly the same condition as they were received by him to the countyclerk of his county where they may be examined under the same terms and conditions as ballots in other cases of contested elections for county officers, and the same provision shall apply to a contest for the position of school directors as is provided by law for contesting otherrcounty officers. (L. '23, Ch. 148, Sec. 813.

One director except to fill vacancy. At each election of scuh directors, only one director shall be voted for, except in case of an election to fill a vacancy for an unexpired term. (L. '23, Ch. 148, Sec. 814.

Organization of board. The said board shall elect a chairman and clerk. Vacancies in said board shall be filled by appointment by the county board of education, the appointee to hold office until the next succeeding election of school directors. (L. '25, Ch. 73, Sec. 15, amending L. '23, Ch. 148, Sec. 815.

Census of unmarried persons under twenty-one. On or before August 1st, of each year, the clerk of the board of school directors shallmake and certify to the county school superintendent a complete census of unmarried persons within the district under the age of twentyone years, and over the age of five years, stating in full, names ages and sex of such persons. For such enumeration the clerk of said board of school directors shall be paid from the funds of the district the sum of three cents for each genuine name enumerated. Any clerk wilfully enumer-

ating on said list a dead or fictitious person, or one not ~~not~~ a resident of his school district, or one not coming within the age limits, or who shall fail to make the enumeration herein provided for and transmit the same to the county school superintendent, upon conviction, shall be fined not more than $100, or be imprisoned not more than thirty days, or by both such fine and imprisonment, inthe discretion of the court. (L. '23, Ch. 148, Sec. 816.

Municipal schools with less than 100 attendance classified rural schools, Where the average daily attendance for the last two preceding school terms is less than 100 in school districts within incorporated cities, towns and villages, including the territory thereto annexed for school purposes, and such vacancies have been certified by the county school superintendent to the county board of education, the said school district within such incorporated cities, towns and villages including the territory thereto annexed for school purposes, shall be classed and governed as rural districts and be within the jurisdiction and control of the county board of education, and if and when such districts shall have an average daily attendance of 100 or more pupils for two or more consecutive school terms and such fact shall have been certified to the state superintendent of public instruction, such districts shall become municipal districts upon the certification of the state superintendent of public instruction, and shall be governed in all respects as municipal school districts. (L. '25, Ch. 73, Sec. 16, amending L. '23, Ch. 148, Sec. 817.

Independent rural school district. Any rural school district in which the average daily attendance for two consecutive school terms exceeds four hundred (400) may may become an independent rural school district upon the certificate of the superintendent of public instruction and shall thereafter be governed by a board of school directors appointed. or elected, and holding office, as in other rural school districts, but which shall have the same powers, and pefform the same duties, as are provided by law for municipal boards of education; except that bond elections shall be held, conducted and canvassed, and the bonds of such districts issued, as in cases of ordinary rural school districts. (L. '27, Ch. 139, Sec. 7, amending L. '~~25, Ch. 73~~, Sec. 17; L. '23, Ch. 148, Sec. 818.

Consolidation completed for bond purposes. That for the purpose of voting bonds for the purchase of grounds and erection and furnishing of school buildings, such consolidation shall be complete from the time such order is signed by the county board of education as aforesaid. And, Provided, further, that any bond election of any school district which has heretofore been held between the time of signing of such order for consolidation and July 2 of any year is hereby validated, and all bonds by authority of such election are hereby validated, ratified and confirmed. (L. '27, Ch. 139, Sec. 8.

ARTICLE 9. MUNICIPAL SCHOOLS.

Municipal schools and districts. Except as otherwise provided in section 817 (120-817) hereof, cities, towns and villages including territory annexed thereto for school purposes, shall be known as municipal schools and districts. (L. '23, Ch. 148, Sec. 901.

Board of education. Except as otherwise provided by law, municipal school districts and the public elementary and high schools therein shall be governed by a board of education in the name of the "board of education of the.....
(city, town or village)
of....., New Mexico" and as such except as otherwise provided have like powers over the schools and districts within its jurisdiction as those possessed by county boards of education over their respective schools and districts. In addition, the municipal boards of education shall have power to fill vacancies in their membership, by a majority vote of the members of the board, the appointee to hold office until the next succeeding election for members of such board. (L. '23, Ch. 148, Sec. 902.

Members of board. The said board shall be composed of five members, residents of the district, who shall be elected for a term of four years from March first succeeding their election. They shall serve without pay. No person who is a state, county or municipal officer, or teacher in any school of (or) student attending school, shall be a member ~~of said~~ board. (L. '27, Ch. 138, Sec. 1, amending L. '23, Ch. 148, Sec. 903.

Election. On the second Tuesday of February in each odd numbered year, the qualified electors of the district and the territory attached thereto for school purposes shall elect a large two or three members of said board, as the case may be to succeed those now holding office whose terms expire. Said elections shall be held, conducted, returned and canvassed as in cases of election of officers in the respective incorporated cities, towns and villages, except that no registration shall be required. (L. '27. Ch. 138, Sec. 2, amending L. '23, Ch. 148, Sec. 904.

Officers and clerk of board. From among its members the board shall elect a president, vice president and a clerk. The clerk shall receive such compensation as the board shall fix, but not in excess of $300.00 annually where the average daily attendance of the whole district is less than one thousand pupils, and not in excess of $600.00 annually where the average daily attendance is more than one thousand pupils. He shall perform the enumeration duties as is required in rural districts without extra compensation. (L. '23, Ch. 148, Sec. 905.

Powers and duties of board. The said board shall have the same powers andduties respecting its districts and schools as are possessed by county boards of education. It may also employ a superintendent who must be of good moral character and possess a first grade teacher's certificate, or scholastic standing equivalent thereto. Hereafter such districts shall not, however, exceed fifteen miles square in area, nor shall any territory for elementary school purposes, be included within such district to any point five miles beyond the incorporated limits of such city, town or village. Petitions for changes and consolidations shall be filed and elections held in substantially the same manner as in case of rural school districts. Changes of consolidations shall be ordered jointly by the municipal and county boards of education where such changes or consolidations affect both municipal and rural districts. (L. '23, Ch. 148, Sec. 906.

Report of board. The said boards shall before July 15 of each year transmit to the county school superintendent a report substantially as specified in section 405

(120-404) hereof. (L. '23, Ch. 148, Sec. 907.

ARTICLE 10. HIGH SCHOOLS.

High schools--Establishment. Any school district which may hereafter have twenty or more eighth grade graduates enrolled for high school work, may establish and maintain a high school therein upon the filing of proper certificate with the secretary of the county board of education by the county school superintendent; Provided, however, that high schools established at the time this act takes effect and having an average daily attendance of eight or more regularly enrolled high school pupils may be maintained and budget allowances therefor shall be made. (L. '25, Ch. 73, Sec. 18, amending L. '23, Ch. 148, Sec. 1001.

Union high school district. Two or more contiguous school districts, municipal or rural, or either or both, having a combined average daily attendance of two hundred or more pupils, may unite and form a union high school district for the purpose of establishing and maintaining a high school therein. (L. '23, Ch. 148, Sec. 1002.

Petition--Election. Upon the petition of the governing authorities of school districts to unite and form a union high school district, describing the districts, and a petition of the electors in each district to the number of fifteen per cent. of the total vote cast therein for governor at the last preceding general election held therein, the board of county commissioners shall call an election to be held in said district upon the question of forming said district for union high school purposes. The election shall be called, conducted, canvassed and proclaimed in substantially the same manner as is provided for bond elections herein; Provided, such consolidation shall not be effective ~~on the question shall vote~~ unless a majority of the legal voters voting on the question shall vote in favor thereof in each of the several districts affected. (L. '23, Ch. 148, Sec. 1003.

Board. After a favorable vote upon creating a union high school district the governing authorities of each of the districts forming the union district shall dele-

gate one of its members as a member of the union high school board and he shall hold such delegated office at the pleasure of the board appointing him, so long as he shall remain a member of the first named board. Where a union high school district is created by the consolidation of an even number of rural and municipal districts or either or both, one director of such union high school district to serve at large from the several districts so constituting the same shall be appointed by combined members of the boards of all the districts included within such union high school district; and, in the event such members fail to agree upon the selection of such member to serve at large, he shall be appointed from within such union high school district by the county board of education. Such member shall hold office during the term of the remaining members of such board. The union high school board shall have the same powers and duties as municipal boards of education. (L. '27, Ch. 139, Sec. 4, amending L. '23, Ch. 148, Sec. 1004.

Only one election every two years. As between the same districts not more than one election under section 1003 (120-1003) shall be held in any two years. The creation of districts hereunder shall take effect on the first day of July succeeding the election. No district, or fraction thereof, shall be included in a union high school district unless the majority of the electors voting in the district shall be in favor of the union district. (L. '23, Ch. 148, Sec. 1005.

May dissolve. Union high school districts may be dissolved upon petition and election of similar character as near as may be as herein provided. Upon dissolution ef the county school superintendent shall apportion the liabilities and assets of the district as to him shall seem just, the same to be subject to the approval of the state superintendent of public instruction. (L. '23, Ch. 148, Sec. 1006.

ARTICLE 11. TEACHERS.

Teachers--Duties. Every teacher shall present his certificate to the school authority employing him before assuming the duties ~~of a~~ school teacher; report on taking

charge of a rural school and immediately upon closing the term; enforce the course of study, the use of adopted text books and the rules and regulations prescribed for schools; hold pupils to strict account for disorderly behavior on the way to and from schools; exercise a supervision over pupils onthe play grounds and at recesses and in rural schools temporarily suspend pupils for infractions hereof; report to the county school superintendent all suspensions hereunder, when same are made in rural schools; keep a school register which shall be preserved as a record of the school; furnish such monthly reports to superintendents and governing authorities as they may require, and in rural schools at the end of each term make report to the county school superintendent showing the number of pupils attending the school during the term, giving names, ages and sex, the average daily attendance and the branches taught. (L. '23, Ch. 148, Sec. 1101/

Use no sectarian books. No teacher shall use any sectarian or denominational books in the schools or teach sectarian doctrine in the schools, and any teacher violating the provisions of this section shall be immediately discharged, his certificate to teach school revoked, and be forever barred from receiving any school moneys and employment in the public schools in the state. Provided, that this section shall not be construed to interfere with the use of school buildings for other purposes authorized by the county board after school hours. (L. '23, Ch. 148, Sec. 1102.

No compensation if without certificate. Any person who teaches in the public schools without the required teacher's certificate shall forfeit all claim to compensation for services rendered. (L. '23, Ch. 148, Sec. 1103.

Number to school. Not more than one teacher shall be employed:

(a) In rural schools, to every twenty-five pupils or major fraction thereof;

(b) In municipal schools, to every thirty pupils or major fraction thereof; and

(c) In high schools, to every twenty pupils or major fraction thereof.

Where ~~the total~~ number of pupils in any school as

classified in the preceding subsections a, b, and c, is less than the minimum therein stated but in excess of eight, one teacher may be employed for such school. Provided, that in high schools established at the time this act takes effect and having less than 31 and more than 18 regularly enrolled high school pupils in average daily attendance, two teachers may be employed. And, Provided, further, that in rural schools in which the average daily attendance during the preceding school year was less than 38 and more than 30, and in which the entire eight elementary grades are taught, two teachers may be allowed.

The above numbers shall be computed upon the basis of average daily attendance. Teachers of special subjects shall not be included in the authorized number of teachers mentioned in this section, but no teacher of special subjects shall be employed unless there are at least forty regularly enrolled high school pupils in average daily attendance, and not more than one teacher of special subjects shall be employed for each forty pupils or major fraction thereof. Provided, however, that in every high school with fifty or more pupils, one special teacher in addition to those already provided for may be employed providing that such teacher is qualified to teach both Spanish and English and does teach classes in Spanish, and in no event shall the total number of teachers of special subjects exceed six in number. (L. '25, Ch. 73, Sec. 19, amending L. '23, Ch. 148, Sec. 1104.

Discharge. No board of education, county school superintendent or board of school directors, or any member of such board, shall discharge a teacher without granting to such teacher full hearing and the right of appeal to the state board of education. (L. '25, Ch. 73, Sec. 19, amending L. '23, Ch. 148, Sec. 1105.

Teachers' institute. Teachers' institute shall be regulated by the state board of education and the expenses thereof paid according to the budget allowance therefor. (L. '23, Ch. 148, Sec. 1106.

Classification of teachers' certificates for salary purposes. For the salary purposes of this act, teaching certificates issued by the state board of education shall

be classified as follows:

I. Elementary certificates.

1. (a) First grade on credentials
   (b) First grade on examination

2. (a) Second grade on credentials
   (b) Second grade on examination

II. Professional certificates.

1. For elementary or grade teachers
   (a) Five year professional
   (b) Life elementary

2. For high school teachers.
   (a) Five year high school certificates.
   (b) Life high school certificate.

Each of said certificates designated shall be issuable upon credentials or after examination. The minimum requirements for issuance of certificates are as follows:

I. Elementary certificates: 1. (a) First grade on credentials; (a) Graduation from a standard approved four year high school covering at least 15 units of work, (b) a minimum of 16 semester hours or 24 term hours work in a standard college, university or normal school, (c) 9 months' teaching experience.

1. (b) First grade on examination: Examination in subjects prescribed by the state board of education with an average of 90 % and no grade in any branch below 75%.

2. (a) Second grade credentials: Graduation from a standard approved four-year high school covering at least 15 units of work.

3. (b) Examination in subjects prescribed by the state board of education with an average of at least 75 % with no grade in any subject below 60%.

II. Professional certificates:

1. (a) Five year professional: Graduation from a standard approved high school comprising 15 units of secondary work and credentials from a standard college, university or normal school comprising at least 60 semest hours or 90 ter hours.

1. (b) Life elementary: Graduation from a standard approved high school comprising at least 15 units of work and at least 90 semester or 135 term hours work in an accredited college, university or normal school and 45 months successful teaching experience, 9 months of which must have been in New Mexico.

2. For high school teachers:

(a) Five years high school certificate. On credentials, graduation from a standard approved four-year high school covering at least 15 units of work, or college entrance examinations covering same, and graduation from a

standard college, university or normal school with an A.B. or a B.S. degree or their equivalents.

(b) Life high school certificate. On credentials, the same as 2, (a plus evidence of forty-five ~~e~~months of successful high school teaching experience of which 9 months must have been in New Mexico. (L. '23, Ch. 148, Sec. 1107.

Teachers to be paid monthly. First and second grade certificates issued prior to the passage of this act shall remain in force during their prescribed terms, but shall not be renewed. The salary per month shall be computed and paid on the basis of the months school as actually taught in the district during the term. All teachers shall be paid monthly. (L. '23, Ch. 148, Sec. 1108.

No employment of teachers afflicted with transmissible disease. No person shall be employed in the schools of the state who is afflicted with tuberculosis. All teachers shall present to the governing authorities of the schools where employed a certificate from a licensed physician to the effect that they are free from any transmissible disease, provided that when any teacher shall be re-employed for another year no new health certificate shall be furnished unless required by the governing authorities. (L. '23, Ch. 148, Sec. 1109.

Two days pay for attending meeting of educational association. Boards of education may legally pay superintendents, principals and teachers as much as two days pay, according to contract, on evidence of attendance of the annual meeting of the New Mexico Educational association meeting. (L. '29, Ch. 103, Sec. 1.

An act to provide for the payment of two days pay to superintendents, principals and teachers who attend the annual meeting of the New Mexico Educational association. (Approved March 11, 1929.

ARTICLE 12. SCHOOL ATTENDANCE.

Resident pupils may attend. Pupils who are residents of a district ~~shall be~~ permitted to attend school in the

same regardless of the time when they acquired such residence, whether before or after the enumeration. Provided, that where, in the opinion of the county school board or municipal school board and on approval of said opinion by the state board of education, it is for the best advantage and interest of the school that separate rooms be provided for the teaching of pupils of African descent, and said rooms are so provided, such pupils may not be admitted to the school rooms occupied and used by pupils of Caucasian or other descent. Provided, further that such rooms set aside for the teaching of such pupils of African descent shall be as good and as well kept as those used by pupils of Caucasian or other descent, and teaching therein shall be as efficient. Provided, further, that pupils of Caucasian or other descent may not be admitted to the school rooms so provided for those of African descent. (L. '25, Ch. 73, Sec. 21, amending L. '23, Ch. 148, Sec. 1201.

Tuition for non-resident pupils. Governing authorities of schools may admit non-resident pupils to the schools under their charge, provided school accommodations are sufficient to provide for them, and may determine the rate of tuition for pupils non-resident of the state and collect same, which tuition shall not be greater than the average cost per capita for education based on the average daily attendance of the district for the previous school term. When non-resident pupils, their parents or guardians, pay a school tax in this state the amount of such tax shall be credited on their tuition in a sum not to exceed the amount of such tuition, and they shall be required to pay tuition only for the difference therein. (L. '23, Ch. 148, Sec. 1202.

Compulsory attendance--Exceptions. Children between the ages of six and sixteen years, both inclusive, shall attend public schools of the state for as many weeks as the public schools in the district in which such children reside shall be in session, except that children actually attending private or denominational schools maintaining courses of instruction approved by the state board of education, those physically or mentally unfit or incompetent and those residing more than three miles from public school houses and to whom no free public means of conveyance to and from school are furnished shall be exempt from the provisions of this act. The governing authorities of private and denominational schools shall monthly

report to the governing authorities of the public schools wherein such private and denominational schools are situated, the children enrolled in such private and denominational schools who fail to attend the same. (L. '23, Ch. 148, Sec. 1203.

When excused between 14 and 16. Children subject to the provisions of this act, between the ages of fourteen and sixteen years, may be excused by issuance of certificate of employment, from full time public school attendance, by the city or county school superintendents within whose jurisdiction such children reside or are employed, upon assurance that said children are then or in the immediate future shall be definately (definitely) employed in some gainful trade or occupation. The certificate of employment shall contain the name, age and residence of the child excused, by whom employed or to be employed, the last grade attended by the child and a recitation that the child is excused from full-time public school attendance until the certificate shall be revoked. (L. '23, Ch. 148, Sec. 1204.

Part-time schools. Whenever in any school district there shall have been issued fifteen such employment certificates there shall be established a part-time school or class giving instruction for not less than one hundred and fifty hours per year and not less than five hours per week between the hours of 8 A. M. and 6 P. M. (L. '23, Ch. 148, Sec. 1205.

Attendance considered part of hours of labor. Whenever the number of hours for which a child over fourteen years and less than sixteen years of age may be employed shall be fixed by federal or state law the hours of attendance upon the a part-time school or class shall be counted as a part of the number of hours so fixed by the federal or state laws, but nothing contained herein shall affect the right of the employer to reduce the compensation of the child. (L. '23, Ch. 148, Sec. 1206.

Rules and regulations. The state board of education shall adopt rules and regulations concerning the establishment of part-time schools and classes. (L. '23, Ch. 148, Sec. 1207.

When excused from establishing. Whenever any school district shall deem it inexpedient to establish part-time schools or classes it shall present to the state superin-

tendent of public instruction the reasons for such inexpediency, and the state superintendent may excuse the district from the establishment of such part-time schoolsor classes if he deems such reasons sufficient. (L. '23, Ch. 148, Sec. 1208.

Employers to permit attendance--Penalty for failure. Any person, firm or corporation employing a child between the ages of fourteen and sixteen years of age shall permit the attendance of such child upon a part-time school or class whenever any such part-time school or class shall have been established in the district where the child resides or may be employed, and any employer, firm or corporation employing any child over fourteen and less than sixteen years of age contrary to the provisions of this act shall be subject to a fine of not less than five dollars nor more than fifty dollars for each separate offense. (L. '23, Ch. 148, Sec. 1209.

Parents responsible. Parents, guardians and persons having control of children subject to the provisions of this act are hereby made responsible for the public school attendancy of such children, and any parent, guardian or person aforesaid who shall violate any of the provisions of this chapter, after any school authority shall have given public notice of the substance of the provisions of this act, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned in the county jail for not less than five nor more than ninety days, and in addition to the penalty aforesaid any parent, guardian or person having control of children subject to the provisions of this act who shall violate the provisions hereof shall be subject to the writ of mandamus hereof issued out of the district court of the county, at the instance and in the name of county or municipal boards of education of county or city superintendents of schools, without consent of the attorney general. Justices of the peace shall also have jurisdiction in prosecutions under this section. (L. '23, Ch. 148, Sec. 1210.

School officials responsible. The school officials charged with the responsibility of enforcing the compulsory attendance laws of this state shall also be responsible for the enforcement of the attendance upon the part-time schools or classes in accordance with the terms of this act. (L. '23, Ch. 148, Sec. 1211.

Teachers report non-attendance. Principals or teachers in charge of schools in this state shall weekly make a report in writing to the county school superintendent containing the names of all persons having control of children of school age who have failed to send such children to school as required herein. The presideing judge of the district court at each session shall instruct the grand jury as to the substance of the compulsory school attendance law. (L. '23, Ch. 148, Sec. 1212.

Minimum school term. In every rural school district and in every municipal school district the minimum school term shall consist of at least seven months. When school funds permit, school must be maintained for at least one hundred and forty days of actual teaching, where the term is seven months, inclusive of holidays except when prevented by fire, flood, epidemic or disease or other cause beyond the control of the school authorities. (L. '23, Ch. 148, Sec. 1213.

Hours of school day--School month. Above the primary grades the school day shall consist of not less than five hours nor more than six hours, exclusive of the noon intermission. The school month shall consist of twenty days, or four weeks of five days each. (L. '23, Ch. 148, Sec. 1214.

ARTICLE 13. NIGHT AND CORRESPONDENCE SCHOOLS.

Night schools may be be established for illiterates. Whenever there are ten or more illiterate or semi-illiterate adult persons in any school district who wish to attend school at night, the board of education of the district may employ a competent instructor therefor. Such schools shall be taught not more than two hours per night nore three times per week during the school term. (L. '23, Ch. 148, Sec. 1301.

Compensation of instructors. The said instructor shall receive such compensation for his services as the governing authority of the school may fix, subject to allowances therefor in the general school budget, but not more than twenty-five dollars monthly shall be paid for such services. (L. '23, Ch. 148, Sec. 1302.

Correspondence schools--Permit to sell courses. It shall be unlawful for any correspondence school, business college or commercial department or any other school, or

its agents to canvass prospective students in New Mexico for the purpose of selling to such students, or any one for such students, any scholarship or tuition in advance in such school, or to contract in advance for such scholarship or tuition or to take payment for the same in maoney, notes or other evidence of indebtedness before the registration ef in good faith of such student in such school, college, or commercial department, without the school, its agent or representative first making application to the state board of education as hereinafter provided, and receiving from such state board of education a permit granting to the school so applying the right to canvass and sell scholarships and to receive tuition in advance. (L. '23, Ch. 148, Sec. 1303.

Application for permit. The application to the state board of educationshall set forth the name of the school seeking such permit, its location, the number of instructors employed in such school, the course or courses of study in which instruction is offered, the subjects includin such course, and in addition thereto the application shall, upon request of the board, furnish such other information as may be required by such board. The application shall be signed by some authorized representative of the school and shall be accompanied by such fee as may be required by the state board of education. (L. '23, Ch. 148, Sec. 1304.

Permits may be revoked. The state board of education shall have authority and power to revoke any permit issued by it at its discretion for cause satisfactory to the board. (L. '23, Ch. 148, Sec. 1305.

Penalty for violations. Any person who shall violate section 1303 shall upon conviction, be fined not less than five dollars nor more than one hundred dollars for each offense, or imprisoned in jail for not less than five nor more than sixty days, or both such fine and imprisonment in the discretion of the court. (L. '23, Ch. 148, Sec. 1306.

Exceptions in provisions of article. Nothing in this chapter shall be construed to prevent canvassing for students where no scholarship is sold nor fees for tuition are collected in advance or prevent the legitimate adver-

tising of any such school. (L. '23, Ch. 148, Sec. 1307.

ARTICLE 14. Miscellaneous.

School authorities may accept gifts for schools. Governing school authorities shall have power to accept unconditional charitable gifts, grants, devises and bequests and the same shall become an asset only of the district or school to which the same was made. (L. '23, Ch. 148, Sec. 1401.

Title of certain bonds to vest in district. When the corporate authorities of any town or the probate judge of the county, for any county in this state in which any town may be situated, shall have entered at the proper land office, the land or any part of the land settled and occupied as the site of such town, pursuant to the provisions of the act of Congress, entitled "An act for the relief of citizens of towns upon the lands of the United States under certain circumstances, passed May 23, 1844," and any amendments that may be made thereto, or where such land may be entered by the proper authorities under and by virtue of any special act of Congress, and where the corporate authorities under and by virtue of any special act of Congress, and where the corporate authorities fail to comply with the provisions of section 5519, New Mexico statutes annotated, codification of 1915, et seq., and any blocks, lots, shares or parcels of land remain unsold, the title ofo said unsold blocks, lots, shares or parcels of land shall vest and be in the school district in which such land is located, and it shall be the duty of the board of trustees of such town to transfer, by proper deed of conveyance, said unsold blocks, lots, shares or parcels of land to the board of education of such school district. (L. '23, Ch. 148, Sec. 1402.

Appraisers. The board of education of any school district shall appoint by order or resolution, a board of appraisers, to consist of three freeholders of any such school district, who shall have no interest in said unsold blocks, lots, shares or parcels of land or the improvements thereon. Each of said appraisers shall take an oath to faithfully discharge his duties as such appraiser and shall file such oath in ~~the office~~ of the clerk of said board of education before commencing his duties as such appraiser. In case such appraiser shall fail or neglect

to make the appraisement hereinafter specified and file the same with the clerk of such board of education within ten days after their appointment, then said board may appoint a new board of appraisers for the purpose herein provided. (L. '23, Ch. 148, Sec. 1403.

Duties of appraisers. Said appraisers shall appraise all such blocks, lots, shares and parcels of land, thus conveyed to such board of education, at their just and full cash value, and file their written appraisement as aforesaid. Said appraisement shall contain a description of each lot or parcel of land so appraised and a statement of the cash value of each lot and parcel of land appraised. Said appraisers shall make a separate statement of the value of such lots and parcels ofland without improvements and the aggregate value of both. There shall be attached to such appraisement a written affidavit of the said appraisers, verifying each statement of such appraisement and reciting that each of said lots or parcels of land is appraised at its just value. (L. '23, Ch. 148, Sec. 1404.

Sale. Any of all of said lots may be sold at any time by such boards of education at public vendue to the highest bidder for cash. Provided, that no block, lot, share or parcel of land shall be sold for less than the appraised value thereof. (L. '23, Ch. 148, Sec.1405.

Public vendue. When any of said lots, shares or parcels of land are to be sold at public vendue, the president of the board of education shall give notice, signed in his official capacity, of the time and place of sale of blocks, lots, shares or parcels of land to be sold, by advertisement, published in the county where such school district is situated, or if no newspaper is published in said county, then in the newspaper published nearest said school district. Such public sale shall be advertised to be made at some public place in said town, and to be sold at some specified time between the hours of sunrise and sunset. (L. '23, Ch. 148, Sec. 1406.

Sale, how conducted. Such lots or parcels ofland shall be offered for sale singly, unless a greater price can be obtained by selling several lots or parcels of land together, in which case several lots or parcels of land can be sold together. Such public sale may be continued, if necessary from day to day, for a period not to exceed

three days at any one sale. (L. '23, Ch. 148, Sec. 1407.

N New appraisement. A new appraisement of lots or parcels of land to be sold shall be made, in case no appraisement thereof has been made for three months next preceding the date of such sale. Said appraisement shall be made, either by the old board of appraisers, or a new board of appraisers, to be appointed in the same manner and with the same qualifications as the first board of appraisers. New boards of appraisers may be appointed whenever necessary to have any of such blocks, lots, shares, or parcels of land appraised. (L. '23, Ch. 148, Sec. 1408.

Use of funds from sales. The moneys arising from the sale of said lots, blocks, shares and parcels of land, after defraying the expense of such sales, shall be paid into the county treasury and applied to the support and maintenance of free, non-sectarian public schools within the limits of any such school district, or used and expended in the erection of school buildings for the use of the public schools of said district and for furnishing such buildings, and for no other purposes. (L. '23, Ch. 148, Sec. 1409.

Settlers right to purchase. In all cases when prior to February 25, 1897, any person may have entered thereon and improved any lots belonging to such school district, such person, after the report of such board of appraisers, may purchase any of such lots from the said board of education for cash at the appraised value of said lots, exclusive of improvements. (L. '23, Ch. 148, Sec. 1410.

Purchasers to pay cost of conveyances. All persons purchasing any lots or parcels of land as above provided shall pay for the drawing, execution and acknowledgment of the deed of conveyance, together with fifty cents to the clerk of such board of education, for attestation with seal of said board of education, by the clerk of said board. (L. '23, Ch. 148, Sec. 1411.

Execution of conveyances. All conveyances of lots or parcels of land, shall be signed by the president of the board of education and attested by the clerk of said board, and shall have the seal of said board of education

affixed thereto, and be acknowledged by the president of the board of education in the same manner as other conveyances of real estate. (L. '23, Ch. 148, Sec. 1412.

Insurance of school property. The respective boards of education are hereby required to insure all school property and to pay all premiums thereon from the funds credited to the districts over which they have control. (L. '23, Ch. 148, Sec. 1413.

Sale of school property. Except as otherwise provided by law, all property belonging to school districts and all property the title of which is or may be vested in the board of education, shall not be sold transferred or disposed of, except for cash or its equivalent and with the written consent of the superintendent of public instruction. (L. 23, Ch. 148, Sec. 1414.

Officers and employees shall not act as agents for sale of school books. No board of regents of any state educational institution, board of education, board of school directors, nor any member of any said boards nor any school official or teacher, either directly or indirectly, shall act agent for any person, firm or corporation engaged in selling school books, school furniture, equipment,apparatus or any other kind of school supplies, property or life insurance, or doing any work under contract, nor shall any such board or members thereof or school officers or teachers receive any commission on account thereof, and all persons identified in any official capacity with the public schools or with the state educational institutions supported in whole or in part by public funds of this state are prohibited from being parties directly or indirectly to any such contract, or interested in any such contract in connection with the operation or maintenance of such public schools or state educational institutions and any contract in which such persons are so interested or to which they are parties shall be void. Any person violating the provisions of this ~~act~~ section shall be fined not exceeding one thousand ($1,000.00) dollars or imprisoned not exceeding one year inthe penitentiary or be fined and imprisoned as aforesaid in the discretion of the court. (L. '27, Ch. 139, Sec. 5, amending L. '23, Ch. 148, Sec. 1415.

Display of United States flag. The school authorities shall cause the United States flag to be displayed upon the public school buildings at all times when the weather permits, and at other times conspicuously in the school building. Scuhh school authorities shall comply with all rules and regulations for the proper care, custody and display of the flag as may be promulgated by the superintendent of public instruction. (L. '23, Ch. 148, Sec. 1416.

Reports of school authorities. The county boards of education and the boards of education of municipal schools union high schools and independent districts, and the principals or superintendents thereof prior to the fifteenth day of July of each year shall make a report to the state superintendent of public instruction in writing showing in detail the financial condition of the schools under their jurisdiction, the manner in which the school moneys have been disbursed during the preceding school year, the amounts expended for repairs and improvements of school houses and grounds, whether rented or owned by the district, the value of all school property in detail, the amount of bonded indebtedness of the districts, the status of the interest and sinking funds, the amounts paid for rent, fuel and other items, salaries paid teachers for the preceding school year the number and sex of the school population and such other information as may be required by the state superintendent of public instruction, county school superintendent or educational budget auditor. Failure to properly prepare and forward said reports shall subject the members of said boards to a fine of not more than one hundred ($100.00) dollars or imprisonment in the county jail not more than sixty days or both such fine and imprisonment in the discretion of the court. It shall be the duty of the state superintendent of public instruction to institute or cause to be instituted proceedings against such offenders. (L. '25, Ch. 73, Sec. 22, amending L. '23, Ch. 148, Sec. 1417.

Subjects to be taught. In such grades as the state board of education shall prescribe the following subjects shall be taught in the public schools of the state: Reading, writing arithmetic, spelling, geography, language and grammar, Spanish, New Mexico history, United States history, including the Declaration of Independence and the Constitution of the United States and of New Mexico, local civil government, elements of physiology and hygiene, morals and manners, ~~music, drawing~~, elementary bookkeeping, the

fundamental principles of common honesty, honor, industry and economy, the laws of health, physical exercise, household economics, manual training and other vocational subjects, and such other branches of learning as may seem expedient may be prescribed by the state board of education. (L. '23, Ch. 148, Sec. 1418.

Maps of boundaries of district. The school district boundaries shall be accurately located by the county surveyor at the request of the governing authority of the district and maps thereof shall be made and retained in the office of the county school superintendent. The expense thereof not exceeding fifty ($50.00) dollars per school district, at the discretion of the board of county commissioners, shall be paid from the school funds of the district; Provided, this section shall not authorize the resurvey of school districts where the boundaries have been heretofore accurately surveyed. (L. '23, Ch. 148, Sec. 1419.

Publication of school advertisements. Except as otherwise specifically provided herein, whenever publication or advertisement is required herein it shall be made by one insertion in English in a newspaper published in the county and having general circulation therein, or if there be no such newspaper then in any newspaper of the state having a general circulation in said county. (L. '23, Ch. 148, Sec. 1420.

School officials--Act effective. Except as to county boards of education, and to elective county school superintendents, effective Jnauary first, 1925, the re-enactment herein of laws creating officers and boards shall not be construed as affecting the term of school officers in office immediately preceding the taking effect of this act. Except as herein otherwise provided, boards and officials heretofore elected or appointed shall be charged with all the duties and liabilities as are imposed on school boards or officials hereafter elected or appointed and having similar duties. This act shall not affect prosecutions or removal of officers under former laws for offenses committed prior to the taking effect of this act, nor shall it affect or impair any valid assessment or the enforcement of the collection of taxes levied prior hereto for lawful school purposes. (L. '23, Ch. 148, Sec. 1421.

No school with less than eight pupils. No school shall be maintained or budget allowance be made in any school district of this state unless said school shall have an average daily attendance of at least eight (8) pupils. No budget allowance for the transportation of pupils shall be made in any school district of this state unless there are at least eight (8) pupils of school age whom it is necessary to transport and no budget allowance shall be made for the transporation of pupils residing within three miles of the school building. (L. '23, Ch. 73, Sec. 23, amending L. '23, Ch. 148, Sec. 1422.

Books and supplies for indigent children. Governing authorities of school districts shall have power to purchase school books and school supplies for indigent school attendance children and loan such books and such supplies to such children to enable them to attend school to advantage, but nor more than fifty ($50.00) dollars shall be spent therefor in any district during any school term. (L. '23, Ch. 148, Sec. 1423.

Penalty for diverting funds. Any official who shall divert any school funds from the purposes for which the same were raised or embezzle the same, upon conviction shall be fined not less than one thousand ($1,000.00) dollars, and be imprisoned in the penitentiary for not less than two nor more than five years, and be summarily removed from office by the court imposing the sentence. (L. '23, Ch. 148, Sec. 1424.

Kindergartens. Any school in a school district having four hundred, or more pupils, in average daily attendance shall have power to establish and maintain, through their governing authorities, kindergartens for the instruction of resident children of the district between four and six years of age, the cost thereof to be included in the budget allowance of the district and paid from tax proceeds as other maintenance expenses are paid. Upon ~~five~~ petition of the heads of not less than thirty-five (35) families having as members thereof, children between the ages of four and six~~t~~ the governing authorities shall establish and maintain such kindergarten. Provided that the school in connection with which such kindergarten is desired is named in the petition, and Provided further, that the petitioners reside within the same school district as that served ~~by the~~ school in connection with

which such kindergarten is desired. The state board of education shall have the power to prescribe the courses of training, study and discipline for said kindergartens. No person shall teach kindergarten schools without a diploma from a reputable kindergarten teachers' institute, or without passing an examination in kindergarten work prescribed by the state board of education. (L. '27, Ch. 104, Sec. 1, amending L. '25, Ch. 73, Sec. 24; L. '23, Ch. 148, Sec. 1425.

Publication for issuance of bonds in Spanish. The publication for issuance of bonds under this act shall also be made in Spanish, provided there is such paper published in Spanish published in said county. (L. '25, Ch. 73, Sec. 25.

Constitutional construction clause. If any clause, phrase, sentence or paragraph of this act shall be held by any court to be unconstitutional such unconstitutionality shall not be held to affect in any way or to invalidate or to interfere with any part of this act except the clause, phrase, sentence or paragraph, held to be unconstitutional. (L. '25, Ch. 73, Sec. 26.

Classification of schools. Schools of elementary and high school grades are classified as follows:
(1) Kindergarten; (2) Primary, which shall include the first, second and third grades; (3) Intermediate, which shall include the fourth, fifth and sixth grades; (4) Grammar, which shall include the seventh and eight grades, and (5) high schools, which shall include the ninth, tenth, eleventh and twelfth grades, or any of such grades. (L. '23, Ch. 148, Sec. 1426.

Governing authorities defined. The words "governing authorities," or their equivalents as used herein shall refer to either county or municipal boards of education, union high school boards, boards of school directors of independent districts, the state board of education or the superintendent of public instruction, according to the context. (L. '23, Ch. 148, Sec. 1427.

Fiscal school year. The fiscal year for school purposes shall commence on July 1st of each year and end June 30th of the succeeding year. (L. '23, Ch. 148, Sec. 1428.

Bonds not affected. Nothing contained in this act shall invalidate or in any wise affect the validity, extent and force of school bonds heretofore issued nor levies therefor. (L. '23, Ch. 148, Sec. 1429.

Constitutional construction. It is hereby declared that if any chapter, paragraph, clause or sentence herein be adjudged unconstitutional, all other parts of this act shall not be affected thereby. (L. '23, Ch. 148, Sec. 1430.

ARTICLE 15. ORGANIZATION, CONTROL AND EQUIPMENT OF SCHOOL CADET COMPANIES.

Organization of cadet companies, when. The male students of any state educational institution or of any high school in this state, having forty or more such students, fourteen years of age or over, may be organized into a school cadet company, or companies, of not less than forty members each, under such rules and regulations as the governing body of such institution or school may prescribe. Provided, that in the event any such school or institution shall have less than forty and more than twenty such students they may be organized into a school cadet platoon. Said cadet companies, or platoons, shall at all times be under the guidance and control of the principal of the said school, whose duty it shall be to make regulations regarding the moral, educational and physical welfare of the said cadets. (L. '15, Ch. 91, Sec. 1.

So much of this act as applies to high schools was repealed by L. '23, Ch. 148, Sec. 1431.

Commissioned officers--Non-commissioned officers. The said companies shall have one cadet captain, one cadet first lieutenant, one cadet second lieutenant, and such non-commissioned officers and privates as correspond to the non-commissioned officers and privates of the

infantry companies of the national guard of New Mexico. The commissioned officers of such companies shall be commissioned by the governor of the state from a list of nominees submitted to him by the principal of the school or institution wherein the company is organized, and the non-commissioned officers shall be appointed by the captain. In the event there are less than enough students in any such institution or school than is required to form a company under the provisions of this act, and a platoon is formed, such platoon shall be commanded by one lieutenant, and shall have such non-commissioned officers as the like unite of the national guard of New Mexico. (L. '15, Ch. 91, Sec. 2.

Officers, when more than one company. In case any institution or high school has more than one company, it shall have one cadet major, who shall be elected by the commissioned officers of the companies; one cadet adjutant, and one sergeant major who shall be appointed by the major. (L. '15, Ch. 91, Sec. 3.

Drill regulations. Said cadets shall drill in accordance with the drill regulations prescribed by the United States army. (L. '15, Ch. 91, Sec. 4.

Uniforms. Said cadets may wear a uniform similar to that prescribed for the national guard of New Mexico, the same to be designed by the adjutant general of the state. (L. '15, Ch. 91, Sec. 5.

Commissions cancelled, when and how. Any commissioned cadet officer, or non-commissioned officer, may have his commission or warrant cancelled, and be reduced to the ranks, by the principal of the school or institution for falling back in his studies, or for misbehavior, either in school or in the cadet company, or platoon, or for other good cause appearing in the judgment of said principal. Provided, however, that in the event the cause of removal must be approved by the governor of the state before the same shall be effective. (L. '15, Ch. 91, Sec. 6.

Target practice and physical culture. Target practice and physical culture shall constitute a part of the

instruction to be given to said cadets; and all target practice shall be under the supervision of competent members of the national guard of New Mexico, detailed for that purpose by the adjutant general of the state. (L. '15, Ch. 91, Sec. 7.

Instructors from national guard--Compensation. The adjutant general of the state shall detail from the organization of the national guard, when practicable, some competent member thereof who shall act as drill, physical culture and rifle practice instructor for said school cadets. The adjutant general may provide for compensating the person or persons detailed by him to instruct said cadets as aforesaid. (L. '15, Ch. 91, Sec. 8.

Target practice. Whenever practicable said cadets shall be permitted to shoot at target practice upon national guard rifle ranges, under the supervision of national guard instructors. (L. '15, Ch. 91, Sec. 9.

Inspection and report. Inspectors of the national guard shall inspect and report on said school cadet companies and platoons at least once each year. (L. '15, Ch. 91, Sec. 10.

Instruction and regulation.--Reports. The adjutant general shall provide suitable drill regulations, books of instruction, and the necessary blank forms for reports for each of said schools or institutions having a cadet company, relating to the drill, physical culture, target practice, attendance, discipline and condition of property of such cadet organizations. Such reports shall be made and forwarded, in duplicate, one copy to the superintendent of public instruction, and one copy to the adjutant general's office, semi-annually, and shall bear the endorsement of the principal of said school, containing such remarks as the principal may deem pertinent. (L. '15, Ch. 91, Sec. 11.

Responsibility for public property. The principal of the school or institution shall be responsible for all public property supplied to said cadet companies or platoons, and shall supervise the proper care thereof. L. '15, Ch. 91, Sec. 12.

Adjutant general may furnish equipment. The adjutant general may furnish to any such company or platoon equipment or supplies from any surplus funds at the disposal of his office. (L. '15, Ch. 91, Sec. 13.

ARTICLE 16. SCHOOL BOOKS.

Adoption of system of school books. The state board or education shall have the power to adopt a system of school books for use in the first eight grades of the public schools, and in the name of the state to contract with the publishers of such books for the purchase and delivery thereof, under such regulations as said board may prescribe. Provided, however, that from and after the adoption of a system of school books as herein provided, changes may be made by the said board in such system or series of books, in not to txceed two (2) school subjects in any one year; and Provided further, that said board shall not make any changes in the system of series of text books now in use, prior to January 15, 1927. (L. '25, Ch. 75, Sec. 1.

Article 17. FREE TEXT BOOKS.

Board of education shall contract for text books. The state board of education, in accordance with the folowing provisions of this act, shall contract with and order from the publisher, or publishers, text books for use in the public schools in this state, as now is, or hereafter may be required by law, the cost of which, together with all expense of distribution and accounting, shall be paid for out of the state common school fund on warrant or warrants of the state ~~aduditz~~ auditor drawn on the state treasurer. (L. '29, Ch. 191, Sec. 1.

An act relating to free text books. (Approved and in force March 14, 1929.

Contracts for books for first and second grade--Limitation of amount expended. Contracts shall be entered into for books in the first and second grades.

Prior to entering into any contract or aggreement the state board of education shall secure estimates of the number of books required and the cost thereof, and not

more than thirty-five thousand dollars ($35,000.00) gross total shall be expended for text books and their distribution in any one fiscal year. There is hereby appropriated for this purpose the sum of thirty-five thousand dollars ($35,000.00) per annum from the proceeds of the tobacco tax provided for in committee substitute for senate bill No. 93 , of the ninth legislature. Provided, however, that no free text books shall be furnished to any public schools for use prior to the first day of July, 1930. (L. '29, Ch. 191, Sec. 2.

County superintendent furnish list of necessary books. The county school superintendent of each county shall furnish the state board of education or or before the first day of June of each year a complete list of the text books necessary for each school district in his or her county; and the state board of education shall distribute such books among the several school districts in the state as said board shall deem necessary and equitable. (L. '29, Ch. 191, Sec. 3.

Books to be issued by county superintendent. Said text books required for the use of each county shall be shipped to the county school superintendent thereof, who shall receive and receipt for same, and send a duplicate of his receipt to the state board of education, whereupon the county superintendent of schools shall issue said text books to the local boards of education of the several districts in his county, taking their receipts therefor, and said school boards shall issue said text books to the pupils of said district, taking receipts therefor. (L. '29, Ch. 191, Sec. 4.

Account to be kept of books supplied each district. The state board of education shall keep an exact account of the cost of books distributed to each district together with the proper proportion of transportation and accounting charges. (L. '29, Ch. 191, Sec. 5.

Record of books distributed. Each school board shall keep a proper record of all books distributed by it, which record shall be on a form provided by the state board of education, and at the end of each school term the school board shall collect said books and keep the same in a safe place to be provided by the board, and said boards

shall be responsible for the safe keeping of the textbooks belonging to their districts during vacations. (L. '29, Ch. 191, Sec. 6.

Parents responsible for loss and damage of books by children. Said free textbooks shall be distributed only to children of residents or orphan children in the state of New Mexico, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian, who refuses to pay for any book lost, damaged or destroyed, by such child or ward, unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction. (L. '29, Ch. 191, Sec. 7.

Sale of books to parents at cost to district. In the event any parent or guardian desires to furnish textbooks to his child or ward, such textbooks shall be sold to such parent or guardian at the same prices charged to the school district. Such sales shall be made by the county school superintendent. Money collected from the guardians or parents of students for books lost, damaged or destroyed shall be transmitted to the treasurer of the respective county and placed to the credit of the district in which said loss of textbooks occurred. (L. '29, Ch. 191, Sec. 8.

Additional books. In the event any school books are needed in any district on account of loss or damage, or on account of larger attendance of pupils, the county school superintendent shall make requisition for such additional books upon the state board of education who shall supply the same. (L. '29, Ch. 191, Sec. 9.

Bureau of textbook distribution and property accounting. For the purpose of carrying out this act the state board of education shall set up a bureau of textbook distribution and property accounting. This may include a property clerk whose salary shall not exceed two thousand dollars ($2,000.00) per year, a bookkeeper whose salary shall not exceed eighteen hundred dollars ($1,800.00) per year, and such additional help as may be necessary for carrying out the provisions of ~~this act~~. (L. '29, Ch. 191, Sec. 10.

Storage and insurance. The state board of education is hereby authorized to contract for necessary storage space for the receipt and distribution of such textbooks and to provide for their protection by insurance from fire and theft. (L. '29, Ch. 191, Sec. 11.

Returned textbooks. In case an excess quantity of textbooks have been furnished to any district, or because of decreased attendance it is desirable to return textbooks for credit, the county school superintendent may receive new books and credit the district with the cost thereof at the full value as originally assessed against them and used books, in usable condition may be credited at an amount to be determined by the county school superintendent upon inspection, but in no case in excess of sixty per cent. (60%) of the original cost.

County school superintendent shall notify the bureau of textbook distribution and property accounting of such credits and upon instructions from said bureau may redistribute these books to other districts. (L. '29, Ch. 191, Sec. 12.

Property clerk--Bond. The property clerk as provided in this act shall execute to the state and file with the secretary of state a good and sufficient bond executed by a surety company authorized to do business in this state, in the amount of five thousand dollars ($5,000.00), conditioned for the faithful and impartial discharge of his duties as such clerk. Bond may be required by the state board of education for other employees engaged in free textbook distribution. The cost of such bond to be paid by the state and included in the expenses of textbook distribution. (L. '29, Ch. 191, Sec. 13.

Distribution of books to children in case of insufficient funds to purchase books for all children. In the event the annual sums hereby appropriated shall be insufficient to to furnish free textbooks to all pupils within the first and second grades of the schools of the respective districts, then preference shall be given to children whose parents or guardians are in the opinion of the governing bodies of the respective school districts least financially able to purchase books for their children. (L. '29, Ch. 191, Sec. 14.

ARTICLE 18. INVESTMENT OF SCHOOL FUNDS.

Investment may be made in state highway debentures. The principal of the permanent school fund and any other public funds may be invested in interest bearing state highway debentures authorized by law issued before or after the passage of this act to anticipate the collection of tax levies, licenses, motor vehicle registration fees, gasoline taxes or other revenues or income at any time provided for the state road fund or for construction or maintenance of public highways or bridges in this state.

Upon approval by the state board of finance and other officials whose approval is required by law for such investment, the state treasurer may purchase such debentures at par and accrued interest without advertising or offering them for sale notwithstanding that the law authorizing their issue may have, Provided, that they be sold to the highest bidder after advertising. (L. '27, Ch. 4, Sec. 1.

Debentures anticipating proceeds of gasoline excise tax held eligible investment for permanent school fund. State v. Graham, 32 N. M. 485, 259 P. 623.

Article 19. NORMAL SCHOOLS.

Names. The state educational institution at Las Vegas, shall be known by the name and title of the New Mexico Normal University; and the state educational institution at Silver City, shall be known by the name and title of the New Mexico Normal School. (Code '15, Sec. 4974.

Abbreviation of name. Except for financial transactions, the name of the "New Mexico Normal School at Silver City" is hereby abbreviated for common convenience to "New Mexico State Teachers College at Silver City." (L. '23, Ch. 22, Sec. 1.

Eastern New Mexico Normal School. Pursuant to section 12 of article 12 of the constitution of New Mexico, there is hereby created, located and established at Portales, Roosevelt county, New Mexico, the institution of learning to be known as the Eastern New Mexico Normal School; said normal school shall be entitled to all of the benefits accruing from the ~~provision~~ of the constitution

aforesaid, and shall be the normal school which the legislature is required to locate and establish in one of the following counties: Union, Quay, Curry, Roosevelt, Chavez or Eddy. (L. '27, Ch. 9, Sec. 1.

Board of regents--Appointment. The governor is hereby authorized and empowered to appoint a board of regents for the eastern New Mexico normal school at Portales, New Mexico, by and with the advice and consent of the senate, consisting of five members, no more than three of whom shall be of the same political party, at the time of their appointment, and not more than three of whom shall be appointed for a longer term than two years, and the remainder for four years, after which such appointments shall be for four years; and, Provided, that should the senate not be in session when such appointment is made, such appointees shall hold their office until the convening of the senate, andif confirmed for the period of their appointment, Such board shall have the general powers now conferred on boards of regents of the other normal schools of this state; including the power to acquire donations, the title to the necessary lands for building site and campus, and the acceptance of such other donations as may be available; and Provided, further, that such board can incur no indebtedness whatever. (L. '27, Ch. 79, Sec. 1.

Board of regents--Corporate powers. Said normal schools shall each be controlled and managed by a board of regents consisting of five members to be appointed by the governor, by and with the advice and consent of the senate for a term of four years, and not more than three of whom shall belong to the same political party at the time of their appointment. The members of such board shall be qualified electors of the state and owners of real estate therein. Each such board shall constitute a body politic and corporate, and shall have power to sue and be sued, to contract and be contracted with, and the title to all property belonging to each such normal school shall be vested in the respective corporate bodies and their successors. (L. '93, Ch. 19, Sec. 3; C. L. '97, Sec. 3652; Code '15, Sec. 4975; Constitution, Art. XII, Sec. 13.

President and secretary and treasurer--Election--Bond of secretary. Each of such boards shall annually one member thereof as president and another member as secretary

and treasurer, and such officers shall hold their offices until their successors shall be elected and qualified. The secretary and treasurer shall execute his bond to the state of New Mexico for not less than twenty thousand dollars, with at least two freehold sureties, residents of the state, which shall be conditioned for the faithful performance of the duties of such secretary and treasurer, and shall be approved by the governor and filed in the office of the secretary of state. (L. '93, Ch. 19, Sec. 4; C. L. '97, Sec. 3653; Code '15, Sec. 4976.

Board of regents--Meetings--Quorum. Each of said boards of regents shall hold at least four meetings during each year at their respective normal schools for the purpose of discharging their duties, the time of such meetings to be fixed by such board, andthe president of such board may call special meetings thereof when in his judgment the business of such schools demand the same. Three members of such boards shall constitute a quorum for the transaction of business. (L. '93, Ch. 19, Sec. 5; C. L. '97, Sec. 3654; Code '15, Sec. 4977.

Powers--Superintendent--Studies--Admission of students. Said boards of regents shall have full and complete power and control over their respective normal schoolds. Each board shall employ a superintendent or principal ef for such school who shall have the supervision and contol of the school under such rules and regulations as may be provided by such board. Such board shall determine and provide as to what branches of learning shall be taught in such school and the classification and order of the same, and shall also direct the number of teachers that shall be employed, and shall determine the compensation to be paid to the superintendent and teachers. Such board shall also prescribe upon what terms and conditions shall be admitted to such school, but no pupils shall be admitted who are not residents of this state, except on payment of a tuition fee to be prescribed by the board of regents for each term. (L. '93, Ch. 19, Sec. 6; C. L. '97, Sec. 3655, as amended by L. '99, Ch. 18, Sec. 4; Code '15, Sec. 4978.

President and secretary--Duties--Reports. The president of each board shall preside at all meetings thereof and shall sign the proceedings of the same, and shall sign all orders directed by the board to be drawn upon the treasurer thereof for the payment of money. In the absence of

the president at any meeting of the board, the members present shall elect a president pro tem. The secretary of the board shall have charge of the records, books, and papers belonging to such board, and shall keep a record of the proceedings of such board, and shall issue and attest all orders directed by the board to be drawn upon the treasurer of the same for the payment of money. Such secretary, as treasurer, shall have the care and custody of all moneys belonging to such school, and he shall pay out the same only upon orders drawn upon him by direction of the board of regents and signed by the president thereof; and at each regular meeting of such board such treasurer shall submit to the same a statement showing a full account of the condition of financial affairs of such school. (L. '93, Ch. 19, Sec. 7; C. L. '97, Sec. 3656; Code '15, Sec. 4979.

Board of regents and secretary--Compensation. The members of the respective boards of regents shall be entitled to the sum of two dollars per day during the time they shall be employed in the actual discharge of their duties, and five cents per mile for each mile necessarily traveled in going to and returning from their places of residence to the place of meeting of such board; but the person who is elected as secretary and treasurer of such board shall be entitled to receive three dollars per day during the sessions of such board, and maileage as above provided. (L. '93, Ch. 19, Sec. 8; C. L. '97, Sec. 3657; Code '15, Sec. 4980.

May acquire land for site purposes. That the board of regents of the New Mexico Normal University is hereby given the right and authority to acquire by purchase or donation any and all land which may be necessary for campus and building site purposes. (L. '27, Ch. 60, Sec. 1.

Right of eminent domain not changed. That the provisions of the foregoing section shall in no way change, alter or amend the right given the board of regents of the New Mexico Normal University to condemn land for university purposes as is now provided by the laws of the state of New Mexico. (L. '27, Ch. 60, Sec. 2.

Railroad fare for normal school students. The board of regents of the New Mexico Normal University and the New

Mexico are hereby empowered and directed to set aside out of the regular appropriation for each of these institutions, the sum of fifteen hundred dollars, to pay the railroad fare in excess of seventy-five miles, both going to and coming from said institutions, of all persons who enroll with a view of preparing to teach in the schools of New Mexico. Provided, that such students shall be bona fide residents of New Mexico at the time of entering such institution, shall have attended continuously for not less than eight weeks, and shall file with the presidentof the institution a declaration of their intention to teach in the state of New Mexico. The railroad fare thus provided for shall be paid but once each scholastic year and over the shortest practical route of travel. (L. '13, Ch. 83, Sec. 2; Code '15, Sec. 4981.

This is from the appropriation act of 1913, in which it appears twice. See pp. 125 and 135 of session laws.

New Mexico Normal University--Manual training--Kindergarten training school. There are hereby established as branches or departments of said New Mexico Normal University, to be carried on at Las Vegas, a school of manual training for the state of New Mexico, the object of which shall be to instruct pupils, and to trainand qualifyy teachers to teach the use of hands and tools inthe various useful arts of practical value to the people of the state; and also a kindergarten training school to qualify teachers of the state to use that system of teaching in the primary schools. (L. '99, Ch. 18, Sec. 2; Code '15, Sec. 4982.

Non-sectarian. Said institution shall be forever strictly non-sectarian in its character and management, and no creed or system of religion shall be taught, practiced or exercised in it. (L. '99, Ch. 18, Sec. 3; Code '15, Sec. 4983.

Eminent domain--Condemnation. The provisions of section 5152 shall be applicable to the New Mexico Normal University with the same force and effect as if said institution had been one of those mentioned therein. (L. '99, Ch. 18, Sec. 6; Code '15, Sec. 4984.

Spanish-American normal school--Establishment--Location. The object of the Spanish-American school at El Rito shall be to educate Spanish-speaking natives of New Mexico for the vocation of teachers in the public schools of the counties and districts where the Spanish language is prevalent. (L. '09, Ch. 97, Sec. 1; Code '15, Sec. 4985.

Management--Trustees, appointment, etc. The management and control of said Spanish-American school, the appointment, qualification, powers and duties of its regents, shall be the same as provided for the New Mexico reform school and other institutions so far as applicable. (L. '09, Ch. 97, Sec. 2; Code '15, Sec. 4986.

Instruction--Scholars obliged to teach--Entrance qualifications. The courses of instruction at said Spanish-American school shall particularly arranged for the training and qualification of teachers to give instructions in English in the ordinary rural public schools of the state, and especially in those where the greater part of the scholars belong to Spanish-speaking families.

Every scholar admitted to said school shall sign an obligation agreeing, in case he or she graduates, to teach at least two years in public schools of the state, unless excused for good cause by the state board of education.

No scholar shall ~~hav~~ be received in said school who has not passed the fourth grade as established in the public schools of New Mexico in a satisfactory manner; or passes a satisfactory examination for entrance in the fifth grade; and the regents of said school are directed to make regulations to insure compliance with this provision. (L. '09, Ch. 97, Sec. 3; Code '15, Sec. 4987.

ARTICLE 20. MILITARY INSTITUTE.

Board of regents--Compensation. The New Mexico Military Institute, at Roswell, shall be under the supervision and control of a board of five regents, to serve without compensation, to be appointed by the governor, by and with the advice and consent of the senate for a term of four years, and not more than three of them shall belong to the same political party at the time of their appointment. (L. '93, Ch. 41, Sec. 2; C. L. '97, Sec. 3661; Code '15,

Sec. 4988.

See constitution, art. XII, Sec. 13.

President--Secretary and treasurer--Duties. The said board shall organize and elect from their number, a president and secretary and treasurer, who shall do and perform all the duties that shall be incumbent upon them as such officers. (L. '93, Ch. 41, Sec. 3; C. L. '97, Sec. 3662; Code '15, Sec. 4989.

Purpose and standard. It shall be the duty of the board of regents to maintain and control, at Roswell, a military institute for the education and training of the youth of this country, of as high a standard as like institutions in other states and territories. (L. '93, Ch. 41, Sec. 4; C. L. '97, Sec. 3663; Code '15, Sec. 4990.

Board of regents--Powers. The said board shall have full power and authority to make such rules and regulations concerning the government and course of said institute as they may deem proper; to make contracts with ~~et~~ teachers; to erect buildings and make such other improvements as the institute may require. (L. '93, Ch. 41, Sec. 5; C. L. '97, Sec. 3664; Code '15, Sec. 4991.

Sale of lands. The said board of regents shall have power to sell, lease or otherwise dispose of, as to them may seem best for the benefit of the institute, the lands and property donated by the citizens of Chaves county to said institute before February ~~2~~ 23, 1893, except forty acres surrounding the site of the institute, which shall be forever set apart for the use of the institute. (L. '93, Ch. 41, Sec. 6; C. L. '97, Sec. 3665; Code '15, Sec. 4992.

President--Execution of deeds, etc. That all deeds for the sale of lands and all contracts made by the said board shall be signed by the president. (L. '93, Ch. 41, Sec. 7; C. L. '97, Sec. 3666; Code '15, Sec. 4993.

Tuition. The regents of the New Mexico Military Institute ~~s~~ may charge a larger tuition fee than provided in section 5164 if it is deemed necessary to do so to maintain said institute. (L. '95, Ch. 2, Sec. 6; C. L. '97,

Sec. 3671; Code '15, Sec. 4994.

Military rank of officers. That for the better government and enforcement of discipline in the New Mexico institute, located at Roswell, the superintendent, commandant of cadets and instructors in said institute, shall be commissioned as aides-de-camp on the staff of the governor and commander-in-chief, in addition to the number of aides- de-camp otherwise provided by law; the superintendent to have the rank of colonel, the commandant of cadets to have the rank of captain, who shall hold office as such during the time they are employed in such capacity in said institute and no longer, and they will be allowed to wear the uniform of their rank while on duty in the institute, and upon all public occasions when the national guard is under arms or the staff of the governor and commander-in-chief shall be ordered out. (L. '01, Ch. 63, Sec. 1; Code '15, Sec. 4995.

Military division of cadets. The superintendent of the military institute shall have power to divide the students of the institute into companies and battalions and to appoint company and battalion officers, and non-commissioned officers, who shall hold their offices at the pleasure of the superintendent. Commissions shall be issued by the superintendent to company and battalion officers to be known as cadet commissions, which shall be signed by the superintendent and commandant of cadets, and a record kept of the same by the commandant showing the date of all such commissions, and the expiration of the same and for what cause. The superintendent shall have power to prescribe the number and rank and duties of cadets, and non-commissioned officers conforming so far as practicable to the laws governing the national guard of the state. (L. '01, Ch. 63, Sec. 2; Code '15, Sec. 4996.

Ordnance and stores--Custody--Report. It shall be the duty of the superintendent to provide a safe and convenient place for the keeping and preservation of all ordnance and quartermaster's stores received from the state for the use of the institution, and on and before the thirty-first of December in each year, he shall make a report to the adjutant general of the state of all such stores on hand, and in such report he shall show their condition, whether serviceable or unserviceable, and if any of such stores should be lost or destroyed, the manner of their loss or destruction. (L. '01, Ch. 63, Sec. 3; Code '15, Sec. 4997.

Annual inspection by adjutant general. The governor and commander-in-chief shall cause the adjutant general to make an annual inspection of the discipline, course of study and general management of the military institute, a report of which inspection shall appear in the annual report of the adjutant general. (L. '01, Ch. 63, Sec. 4; Code '15, Sec. 4998.

ARTICLE 21. CORRESPONDENCE SCHOODS.

Canvassing by correspondence schools--When unlawful--Application to state board required. It shall be unlawful for any correspondence school, business college, or commercial department of any other school, its agents or representatives to canvass prospective students in the state of New Mexico for the purpose of selling to such prospective student or to any one for the use of such prospective student any scholarship or tuition in advance in such school, or to contract in advance for such scholarship or tuition or to take payment for the same in money, notes or other evidence of indebtedness before the registration in good faith of such student in such school, college, or commercial department without the school, its agent or representative first making application to the state board of education as hereinafter provided, and receiving from such state board of education a permit granting to the school so applying the right to canvass and sell scholarships and to receive tuition in advance. (L. '13, Ch. 77, Sec. 2; Code '15, Sec. 5000.

Application for perm it--Contents and signature. The application to the state board of education shall set forth the name of the school seeking such permit, its location, the number of instructors employed in such school, the course or courses of study in which instruction is offered, the subjects included in each course, the entrance and graduation requirements for each course, and in addition thereto the applicant shall, upon request of the board, furnish such other information as may be required by such board. The application shall be signed by some authorized representative of the school and shall be accompanied by such fees as may be required by the state board of education. (L. '13, Ch. 77, Sec. 3; Code '15, Sec. 5001.

Revocation of permit. The state board of education shall have authority and power to revoke any permit issued by it at its discretion and for cause satisfactory to the board. (L. '13, Ch. 77, Sec. 4; Code '15, Sec. 5002.

Violation. Any person who shall violate this article shall upon conviction be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed $100.00 for each offense, or by imprisonment in the discretion of the court trying the same. (L. '13, Ch. 77, Sec. 5; Code '15, Sec. 5003.

Canvassing legal, when. Nothing in this article shall be construed to prevent for students where no scholarship is sold nor fees for tuition are collected in advance or prevent the legitimate advertising of any such school. (L. 13, Ch. 77, Sec. 6; Code '15, Sec. 5004.

ARTICLE 22. COMPULSORY EDUCATION OF THE BLIND.

Children to be sent to the institution for the blind. Every parent, guardian or person having control or custody of any child who is between the ages of five and twenty-one years, and who, on account of blindness cannot be educated in the public schools, shall send such child to the New Mexico institute for the blind at Alamogordo during each school year for the period of seven years, unless such child be taught such branches as are taught in said institute in a private school, at home, or in a similar institution in another state, or unless such child be suffering from physical or mental disability sufficient to incapacitate him or her from attending such institute. It shall be the duty of the superintendent of such institute to see that each pupil in said institution shall have every reasonable opportunity to practice itw own religious belief, and that no impediment be placed in the way of such pupils in the practice of their respective religious belief. Provided, that whenever admission to said institute is requested for any child, afflicted with blindness, under five years of age, the board of regents, or superintendent thereof is hereby empowered to admit such child, under rules and regulations established by said board. (L. '15, Ch. 33, ~~Sec. 1.~~

Expense of transportation--How paid. That the superintendent of such institute, out of the appropriation made for said institute, shall pay for the transportation of such children to and from such institution whenever the parents, guardian or person having control or custody of any such child shall be unable to pay for same: Provided, that said board of regents shall prescribe what portion of said appropriation shall be used for said transportation purposes. (L. '15, Ch. 33, Sec. 2.

Superintendent of school report children. Superintendents of schools in the several counties of the state, on the first day of August and the first day of January in each year, shall furnish the superintendent of the New Mexico institute for the blind a complete list of all such children in their respective counties, and it shall be the duty of the superintendent of such institute to communicate to the parent, guardian or person having custody or control of each such child the provisions of this act. (L. '15, Ch. 33, Sec. 3.

Penalty for violations. Any person who shall violate this act, upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars or by imprisonment for not more than thirty days. Provided, that this section shall not apply in case the child cannot be admitted to said institute under the rules and regulations thereof. (L. '15, Ch. 33, Sec. 4.

ARTICLE 23. INSTRUCTION ON EFFECTS OF ALCOHOLIC DRINKS AND NARCOTICS.

Alcoholic drinks and narcotics--Study of. The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the public schools, and shall be studied and taught as thoroughly and in the same manner as other required branches are in said school, by the use of text books in the hands of pupils where other branches are thus studied in said schools, and by all the pupils in all said schools throughout the state. (L. '29, Ch. 51, Sec. 1.

An act providing for instruction upon the effects of alcoholic drinks and narcotics in public schools, state educational institutions, New Mexico reform school at Springer, Girls welfare home at Albuquerque; Providing

the duties of school officers in connection therewith; penalties for violations thereof; and qualifications of teachers to properly instruct concerning said matters. (Approved March 11, 1929.

Alcoholic drinks and narcotics--Reform school--Girls welfare home. Adequate time and attention shall be given to instruction in this branch of study inthe state educational institutions, in the New Mexico reform school at Springer, and in the girls welfare home at Albuquerque. (L. '29, Ch. 51, Sec. 2.

Alcoholic drinks and narcotics--Failure to instruct concerning. It shall be the duty of the proper officers in control of any school or institution described inthe two foregoing sections to enforce the provisions thereof; and any such officer, school director, superintendent, or teacher, who shall refuse or neglect to comply with the requirements of said sections, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified, for all the pupils in each and every school or institution under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases. (L. '29, Ch. 51, Sec. 3.

Alcoholic drinks and narcotics--Teachers certificates. No certificate shall be granted to any person to teach in the public schools who has not passed a satisfactory examination to enable him to properly teach the branches of study provided for in the three preceding sections. (L. '29, Ch. 51, Sec. 4.

ARTICLE 24. FREE PUBLIC LIBRARY SERVICE.

Funds for free public library service. The governing board of any municipal school district may include in its estimate for school maintenance a request for an allowance for the support of free public library service available to the residents of the county in co-operation with other library agencies. The county board of education is also authorized to include a similar request in the estimates for the county administrative fund. Upon presentation of satisfactory evidence of the desirability and need of such

allowance or allowances, the school budget commissioners are hereby authorized to comply with such requests and to fix the amount of such allowance or allowances. (L. '25, Ch. 58, Sec. 1.

CONSTITUTION OF NEW MEXICO

ARTICLE XII

EDUCATION.

Free public schools to be maintained.

Section 1. A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the state shall be established and maintained.

Permanent school fund.

Sec. 2. The permanent school fund of the state shall consist of the proceeds of sales of sections two, sixteen, thirty-two and thirty-six in each township of the state, or the lands selected in lieu thereof; the proceeds of sales of all lands that have been or may hereafter be granted to the state not otherwise appropriated by the terms and conditions of the grant; such portion of the proceeds of sales of lands of the United States within the state as has been or may be granted by congress; also all other grants, gifts and devises made to the state, the purpose of which is not otherwise specified.

State to control educational institutions--Use of proceeds from state lands.

Sec. 3. The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university.

Current school fund--Tax levy--Distribution--Five months school.

Sec. 4. All fines and forfeitures collected under general laws; the net proceeds of property that may come to the state by escheat; the rentals of all school

lands and other lands granted to the state, the disposition of which is not otherwise provided for by the terms of the grant or by act of congress; and the income derived from the permanent school fund, shall constitute the current school fund of the state. The legislature shall provide for the levy and collection of an annual tax upon all taxable property in the state for the maintenance of the public schools, the proceeds of such tax levy to be added to the current school fund above provided for. The current school fund shall be distributed among the school districts of the state in the proportion that the number of children of school age in each district bears to the total number of such children in the state, and shall provide for the levy and collection of additional local taxes for school purposes. A public school shall be maintained for at least five months in each year in every school district in the state.

Before making the distribution above provided for, there shall be taken from the current school fund as above created, a sufficient reserve to be distributed among school districts in which the proceeds of the annual local tax, when levied to the limit allowed by law, plus the regular quota of current school funds allotted to said district, shall not be sufficient for the maintaining of a school for the full period of five months, and this reserve fund shall be so distributed among such districts as to enable each district to hold school for the said period.

County levy of taxes held not to violate principle that taxes levied in one district cannot be used in another, not constitutional provisions as in levy of taxes. Raynolds v. Swope, 28 N. M. 141, 207 P. 581.

Compulsory education.

Sec. 5. Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law.

State board of education--Powers and members.

Sec. 6. A state board of education is hereby created, to consist of seven members. It shall have the control, management and direction all public schools, under such regulations as may be provided by law. The governor and the state superintendent of public instruction shall be ex-officio members of said board and the remaining five members shall be appointed by the governor, by and with the consent of the senate; and shall

include the head of some state educational institution, a county superintendent of schools, and one other person actually connected with educational work. The legislature may provide for district or other school officers, subordinate to said board.

Proposed amendment.

Section 1. That Section 6 of Article XII of the Constitution of the State of New Mexico, entitled "Education" be and the same hereby is amended so as to read as follows:

"Section 6.

(A) A State Board of Education is hereby created, to consist of five members, who shall be appointed by the Governor by and with the advice and consent of the Senate, and not more than three of the members of said Board shall at the time of their appointment belong to the same political party. The terms of office of the members of said Board shall be six years; but members of Said Board first appointed hereunder shall be appointed and hold their offices for terms as follows: two for four years, and three for six years, from and after January 1, 1931.

(B) Members of said Board may be removed from office only by judgment of a court of competent jurisdiction for such causes and under such procedure as may hereafter be provided by the law. Vacancies in the membership of said Board shall be filled for the unexpired term by the Governor. Members of said Board shall receive such compensation and expenses as may be provided by law, and until different provision is made, shall receive the same per diem and expenses now provided by law for members of the State Board of Education.

(C) The State Board of Education shall have the control, management and direction of all public schools, under such regulations as may be provided by law; and until otherwise provided by law, said Board shall have all the powers now vested by law in the State Board of Education and in the Superintendent of Public Instruction. Said Board shall annually elect one of its members Chairman and shall prescribe itw own rules of order and procedure concerning its official duties. It shall adopt a seal, with an appropriate device thereon and such seal affixed to any instrument, signed by the Superintendent of Public Instruction shall be prima facie evidence of the due execution thereof. Said Board shall appoint a Superintendent of Public Instruction who shall be an experien-

ced educator and shall be selected solely on the basis of merit, administrative ability and professional preparation. The State Superintendent of Public Instruction shall hold office at the pleasure of said Board and shall receive such compensation as may be fixed by law. The State Superintendent of Public Instruction shall be the secretary and chief executive officer of said Board and shall perform such duties as said Board may direct and may be invested with such of the powers and duties of said Board as said Board may by regulation provide.

(D) The Superintendent of Public Instruction shall, during his term of office, reside and he and said Board shall keep the public records, books, papers and seal of Said Board at the seat of government.

(E) The Legislature may provide for District or other school officers subordinate to said Board.

(F) The provisions of Article V of the Constitution of the State of New Mexico, insofar as same relate to the office of State Superintendent of Public Instruction are hereby repealed.

(G) This amendment shall become effective January 1, after its adoption, but it shall not effect the term of office or compensation of the Superintendent of Public Instruction elected at any general election held prior to or concurrently with the election at which this amendment may be adopted, but said officer shall during the remainder of his term of office be subject to all the remaining provisions hereof. (L. '29, Const. Amn'd. No. 2, approved March 9, 1929.

Cited in Haymaker v. State, 22 N. M. 400, 163, P. 248.

Investment of permanent school fund.

Sec. 7. The principal of the permanent school fund shall be invested in the bonds of the state or territory of New Mexico, or of any county, city, town, board of education or school district therein. The legislature may by three-fourths vote of the members elected to each house provide that said funds may be invested in other interest-bearing securities. All bonds or other securities in which any portion of the school fund shall be invested must be first approved by the governor, attorney-general and secretary of state. All losses from such funds, however occurring, shall be reimbursed by the state.

For a discussion of this provision see State v. Marron, 18 N. M. 426, 137 P. 845.

Debentures anticipating proceeds of gasoline excise tax held eligible investment for permanent school fund.

State v. Graham, 32 N. M. 485, 259 P. 623.

Training of teachers in languages.

Sec. 8. The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state; and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.

Religious tests and services in schools.

Sec. 9. No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this state, either as a teacher or student, and no teacher or student of such school or institution shall ever be required to attend or participate in any religious service whatsoever.

Rights of children of Spanish descent.

Sec. 10. Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this state, in an election at which at least three-fourths of the electors, voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendment.

State educational institutions.

Sec. 11. The University of New Mexico at Albuquerque, the New Mexico College of Agriculture and Mechanic Arts near Las Cruces, the New Mexico School of Mines at Socorro, the New Mexico Military Institute at Roswell, the New Mexico Normal University at Las Vegas, the New Mexico Normal School at Silver City, the Spanish-American School at El Rito, ~~the~~ New Mexico Asylum for the Deaf and

Dumb at Santa Fe, and the New Mexico Institute for the Blind at Alamogordo, are hereby confirmed as state educational institutions. The appropriations made and that may hereafter be made to the state by the United States for agricultural and mechanical colleges and experiment stations in connection therewith, shall be paid to the New Mexico College of Agriculture and Mechanic Arts.

Bonds issued by the University of New Mexico under sections 121-913 to 121-925, are not obligations of the state, and no provision for taxation to provide interest and sinking fund need be made, and the approval by the voters need not be had. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Acceptance and disposition of lands granted for edu-
~~for e~~cational institutions.

Sec. 12. All lands granted under the provisions of the act of congress, entitled, "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states; and to enable the people of Arizona to form a constitution and state government and be admitted into the union on an equal footing with the original states." for the purposes of said several institutions are hereby accepted and confirmed to said institutions, and shall be exclusively used for the purposes for which they were granted; provided, that one hundred and seventy thousand acres of land granted by said act for normal school purposes are hereby equally apportioned between said three normal institutions, and the remaining thirty thousand acres thereof is reserved for a normal school which shall be established by the legislature and located in one of the counties of Union, Quay, Curry, Roosevelt, Chaves or Eddy.

Bonds issued by the University of New Mexico under the provisions of sections 121-913 to 121-925, are not obligations of the state, and no provision for taxation to provide interest and sinking fund need be made, and the approval by the voters need not be had. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Board of regents--Number and appointment.

Sec. 13. ~~The legi~~slature shall provide for the control and management of each of said institutions by a

board of regents, for each institution, consisting of five members to be appointed by the governor, by and with the advice and consent of the senate for a term of four years, and not more than three of whom shall belong to the same political party at the time of their appointment. The duties of said boards shall be prescribed by law.

The following amendment was proposed by S. J. R. No. 8 (L. '19, p. 370), approved March 18, 1919;

"Section 13. On and afterthe 1st day of January, 1921, the said State Educational institutions shall be controlled and managed by the Board of Control created by Section 3 of Article XIV of this Constitution" and defeated by a vote of 957 "For" and 10,702 "Against."

ARTICLE VII

ELECTIVE FRANCHISE.

Qualifications of voters--School elections--Woman suffrage--Registration.

Section 1. Every male citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime unless restored to political rights, and Indians not taxed, shall be qualified to vote at all elections for public officers. All school elections shall be held at different times from other elections. Women possessing the qualifications prescribed in this section for male electors shall be qualified electors at all such school elections; provided, that if a majority of the qualified voters of any school district shall, not less than thirty days before any school election, present a petition to the board of county commissioners against women suffrage in such district, the provisions of this section relating to woman suffrage shall be suspended therein, and such provision shall become again operative only upon the filing with said board a petition signed by a majority of the qualified voters favoring the restoration thereof. The board of county commissioners shall certify the suspension or restoration of such suffrage to the proper school district.

The legislature shall have the power to require the registration of the qualified electors as a requisite for voting, and shall regulate the manner, time and place of voting. The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections and guard against the abuse of elective franchise. Not more than two members of the board of registration and

not more than two judges of election shall belong to the same political party at the time of their appointment.

By "school elections" the constitution intends to cover all local elections as to the management, control and administration of public schools, including the issuance of bonds, and women have the right to vote upon the question of such a bond issue. OP. Atty. Gen. 1912-13, No 870½.

The election of members of the City Board of Education must be considered as a school election withinthe meaning of this Article, and the holding of such an election at the same time as a general city election would be inconsistent with this prohibition. (Op. Atty. Gen. 1912-13, No. 870½.

Where the constitution of the state fixes the qualifications and determines who are qualified voters in direct, positive, and affirmative terms, such qualifications cannot be added to by legislative enactments. Klutts v. Jones, 20 N. M. 230, 148 P. 494.

An election for the purpose of determining whether bonds of a school district shall be issued for the construction of a schoolhouse, is a "school election" under this section.

In determining the qualifications of a voter, residence is a question of fact. 21 N. M. 723, 158 P. 491.

Cited in Musgrave v. McManus, 24 N. M. 227, 173 P. 196.

Cited in construing Sec. 1999 of Code of 1915, in Hyde v. Bryan, 24 N. M. 457, 174 P. 419.

Under this section it is confident for the Legislature to provide that ballots other than those printed by County Clerks shall not be cast, counted or canvassed at any election. State v. Christ, 25 N. M. 175, 179 P. 629.

Section 73-205, before amendment, provided qualifications for electors in irrigation districts, was not repugnant to Sec. 1, art. 7 of the constitution, as officers of such districts are not "public officers," as therein contemplated.

Irrigation districts organized under art. 2, chapter 73 are not municipal corporations in the sense used in Sec. 13, art. 5 or Sec. 3, art. 8 of the constitution. Davy v. McNeill, 31 N. M. 7, 240 P. 482.

Qualifications for public office.

Section 2. Every citizen of the United States who is a legal resident of the state and is a qualified elector

therein, shall be qualified to hold any public office in the state and is a qualified elector therein, shall be qualified to hold any public office in the state except as otherwise provided in this constitution. The right to hold public office in the state of New Mexico shall not be denied or abridged on account of sex, and whenever the masculine gender is used in this constitution, in defining the qualifications for specific offices, it shall be construed to include the feminine gender. Provided, however, that the payment of public road poll tax, school poll tax or service on juries shall not be made a prerequisite to the right of a female to vote or hold office.

The above section was proposed by H. J. R. No. 18 (L. '21, p. 468), Approved February 15, 1921 and adopted at the next general election by a vote of 26,744 "For" and 19,751 "Against".

The word "qualified" as used herein refers only to personal eligibility. Guadalupe County v. District Court, 29 N. M. 244, 223 P. 516.

This section does not prohibit the legislature from requiring bonds from public officers.

The legislature can make no restriction to right to hold office additional to those imposed by the constitution. Gibbany v. Ford, 29 N. M. 621, 225 P. 577.

"Qualified", as used herein means "eligible".

ARTICLE IX

Debt contracting power of school districts--Election--Limitation.

Sec. 11. No school district shall borrow money, except for the purpose of erecting and furnishing school buildings or purchasing school grounds, and in such cases only when the proposition to create the debt shall have been submitted to the qualified electors of the district, and approved by a majority of those voting thereon. No school district shall ever become indebted in an amount exceeding six per centum on the assessed valuation of the taxable property within such school district, as shown by the preceding general assessment.

The words, "qualified electors," as used in this section are not restricted to male electors.

The courts should be slow to restrict or impair the rights granted to women to vote at school elections.

Klutts v. Jones, 20 N. M. 242, 244, 245, 148 P. 494.

An election for the purpose of voting on the proposition of issuing bonds of a school district for the erection of a school building, is a "school election" within the meaning of this section.

ARTICLE VIII.

Judgments against counties and municipalities--Tax levy.

Sec. 7. No execution shall issue upon any judgment rendered against the board of county commissioners of any county, or against any incorporated city, town or village, school district or board of education; or against any officer of any county, incorporated city, town or village, school district or board of education, upon any judgment recovered against him in his official capacity and for which the county, incorporated city, town or village, school district or board of education, is liable, but the same shall be paid out of the proceeds of a tax levy as other liabilities of counties, incorporated cities, towns or villages, school districts or boards of education, and when so collected shall be paid by the county treasurer to the judgment creditor.

ARTICLE IX.

State and municipalities not to aid private enterprises.

Sec. 14. Neither the state, nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association or public or private corporation, or in aid of any private enterprise for the construction of any railroad; provided, nothing herein shall be construed to prohibit the state or any county or municipality from making provisions for the care and maintenance of sick and indigent persons.

The right of a board of county commissioners to make an appropriation to a fair association is controlled by this section.

Hanna, J., while concurring in the results of the opinion of the instant case, dissents as to the conclusion reached that the appropriation by the county of San Juan of its funds to a fair association was violative of this section.

ARTICLE XIV

Enumeration of state institutions.

Section 1. The Penitentiary at Santa Fe, the Miner's Hospital of New Mexico at Raton, the New Mexico Insane Asylum at Las Vegas, and the New Mexico Reform School at Springer, are hereby confirmed as state institutions.

ARTICLE XX

Uniform system of text books.

Sec. 17. There shall be a uniform system of textbooks for the public schools which shall not be changed more than once in six years.

ARTICLE XXI

Free public schools conducted in English.

Sec. 4. Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools shall always be conducted in English.

STATUTORY AND CONSTITUTIONAL LAW OF NEW MEXICO

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

TOPICAL AND ANALYTICAL INDEX.

CHAPTER 130, NEW MEXICO CODE.

STATE INSTITUTIONS.

ARTICLE 9. THE UNIVERSITY OF NEW MEXICO.

To be state university. The University of New Mexico is intended to be the state university, and as such is entitled to all the donations of land and all other benefits under th- all acts of Congress enacted for the benefit of such educational institutions in the state. (L. '89, Ch. 138, Sec. 7; C. L. '97, Sec 3569; Code '15, Sec. 5117.

See constitution, art. XII, Sec. 11, 12.

A slight misnomer of the corporation in a contract is immaterial, where the identity of the corporation appears, or can be made to appear by parol. State v. Regents of University, 32 N. M. 428, 258 P. 571.

Purpose. The object of the university shall be to provide the inhabitants of the state of New Mexico with the means of acquiring a thorough knowledge of the various branches of literature, science and arts. (L. '89, Ch. 138, Sec. 8; C. L. '97, Sec. 3570; Code '15, Sec. 5118.

Board of regents. The management and control of said university, the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use, and the disbursements and expenditures of all moneys, shall be vested in a board of five regents. (L. '89, Ch. 138, Sec. 9; C. L. '97, Sec. 3571; Code '15, Sec. 5119.

For appointment, see constitution, art. XII, Sec. 13.

For filling of vacancies, see constitution, art. XX, Sec. 5.

For qualification, see constitution, art. VII, Sec 2.

The secretary treasurer of New Mexico College of Agriculture and Mechanic Arts shall file a bond of $20,000 before entering upon the discharge of his duties. State v. Llewellyn, 23 N. M. 43, 167 P. 414.

Title--Corporate powers. The regents of the university and their successors in office shall constitute a body corporate under the name and style of, the regents of the University of New Mexico, with the right, as such, of suing and being sued, or contracting and being contracted with, of making and using a common seal and altering the same at pleasure. (L. '89, Ch. 138, Sec. 11; C. L. '97, Sec. 3573; Code '15, Sec. 5120.

Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Slight misnomer of university in statute or contract is immaterial as to the validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Officers--Election--Bond of secretary and treasurer. The board of regents of the University of New Mexico shall meet and organize by the election of its officers at Albuquerque, in Bernalillo county, on the second Monday in March of each year; all officers so elected shall hold their offices until their successors are duly elected and qualified. At such elections they shall elect a president and a secretary and treasurer from their number. The person so elected as secretary and treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the state of New Mexico, with two or more sufficient sureties, residents of this state, in the penal sum of not less than twenty thousand dollars, conditioned for the faithful performance of his duties as such secretary and treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto all moneys which shall come into his hands as such officer, which said bond shall be approved by the governor of the state, and shall be filed with the secretary of state. (L. '89, Ch. 138, Sec. 12; C. L. '97, Sec. 3574; Code '15, Sec. 5121.

Although the secretary and treasurer must be a member of the board of regents when elected, his right to hold that office until the appointment and qualification of his successor is not dependent upon his continuing to be a member of the board. Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589, 139 P. 148.

In the absence of any direction from the board of regents the treasurer may keep the funds in any bank he sees fit, or keep them in his own possession. A certificate representing the deposit in bank of such funds is assignable, and his assignee is entitled to receive such funds from the bank.

Cited in State v. Llewellyn, 23 N. M. 413, 157 P. 414.

President--Secretary and treasurer--Duties and powers. The president of said board shall be the chief executive officer, shall preside at all meetings thereof, except that when he is absent the board may appoint a president pro tem., and sign all instruments required to be executed by said board. He shall also generally direct the affairs of said university, nominate, and by and with the advice and consent of the board of regents, appoint all professors, tutors, instructors and other employees necessary to the proper conduct of said university; and in like manner shall be determined the amount of their respective salaries. The secretary and treasurer shall be the financial and recording officer of said board, shall keep a true and correct account of all moneys received and expended by him, shall attest all instruments required to be signed by the president, and shall keep a true record of all the proceedings of said board, and generally do all other things required of him by said board. (L. '89, Ch. 138, Sec; 13; C. L. '97, Sec. 3575; Code '15, Sec. 5122.

Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Regents--Rules and regulations. The regents shall have power and it shall be their duty to enact laws, rules and regulations for the government of the university. (L. '89, Ch. 138, Sec. 14; C. L. '97, Sec. 3576; Code '15, Sec. 5123.

Departments. The university shall have departments, which shall be opened at such times as the board of regents deem best, for instruction in science, literature and the arts, law, medicine, engineering and such other departments and studies as the board of regents may, from ~~time to~~ time, decide upon, including military train-

ing and tactics. (L. '89, Ch. 138, Sec. 15; C. L. '97, Sec. 3577; Code '15, Sec. 5124.

Regents--Supervisory power--Degrees--Removal of officers. The immediate government of the several departments shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe the books and authorities to be used in the several departments, and also confer such degrees and grant such diplomas as are usually conferred and granted by other universities. The regents shall have power to remove any officer connected with the university when in their judgment the interests require it. (L. '89, Ch. 138, Sec. 16; C. L. '97, Sec. 3578; Code '15, Sec. 5125.

Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of"the regents of the University of New Mexico" to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Who may attend. The university shall be open to the children of all residents of this state and such others as the board of regents may determine, under such rules and regulations as may be prescribed by said board, whenever the finances of the institution shall warrant it, and it is deemed expedient by said board of regents. (L. '89, Ch. 138, Sec. 16a; C. L. '(97, Sec. 3579; Code '15, Sec. 5126.

To be non-sectarian. No sectarian tenets or opinions shall be required to entitle any person to be admitted as a student or employed as a tutor, or other instructor in said university, but the same shall forever be strictly non-sectarian in character. (L. '89, Ch. 138, Sec. 17; C. L. '97, Sec. 3580; Code '15, Sec. 5127.

Board of regents--Calling meetings--Quorum. The meetings of the board ~~of may be~~ called in such manner as

the board of regents may prescribe, and the majority of said board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. (L. '89, Ch. 138, Sec. 18; C. L. '97, Sec. 3581; Code '15, Sec. 5128.

Regents may borrow money. That for the purpose of erecting, altering, improving, furnishing or equipping any necessary buildings at the University of New Mexico at Albuquerque, or for qcquiring any necessary land for the use of said university, or for retiring the whole or any part of any series of bonds previously issued under the provisions hereof, or for any of such purposes. the board of regents of the University of New Mexico is hereby authorized to borrow money in conformity with the terms of this act. (L. '29, Ch. 30, Sec. 1, amending L. '27, Ch. 47, Sec. 1.

An act to amend Sections 1, 2, 4 and 12 of chapter 47 of the laws of 1927, and relating to and authorizing the board of regents of the University of New Mexico to issue and sell building and improvement bonds, and providing for the payment thereof. (Approved and in force March 8, 1929.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Building and improvement bonds authorized. Whenever the said board, by the affirmative vote of a majority of its members, duly entered in the minutes of said board, shall by resolution determine that it is necessary to erect, alter, improve, furnish or equip any building or buildings at said university, or acquire any land for the use thereof, or to retire the whole or any part of any series of bonds previously issued in conformity with the provisions of this act, or for either of said purposes, said board is hereby empowered and authorized to issue and sell, subject to the terms of this act, building and improvement bonds of the University of New Mexico. (L. '29, Ch. 30, Sec. 2, amending L. '27, Ch. 47, Sec. 2.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Bonds--Terms and form. Said bonds shall be negotiable, coupon bonds, issued in serial form, in denominations of $500 or $1,000 each, as the board shall determine, and said bonds shall not run for a longer time than twenty years from the date of issue. Said bonds shall be redeemable in consecutive order commencing not later than the second year from date of issue, and shall bear interest from date of issue at a rate not to exceed six per centum per annum, and shall be substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEW MEXICO

No..... $.....

University of New Mexico
Building and Improvement Bond

Serial No.....

The board of regents of the University of New Mexico at Albuquerque, in the county of Bernalillo, state of New Mexico, on the faith, credit and behalf of the said university, hereby acknowledges said board is indebted and promises to pay to the bearer,.....years from the date hereof, the sum of.....dollars in lawful money of the United States of America, with interest thereon from the date hereof, at the rate of.....per centum per annum, payable semi-annually on the first day of.....and.....in each year, coupons therefor being attached hereto, both principal and interest being payable upon presentation and surrender of this bond or the proper coupon, at.....bank in the city of New York, state of New York.

This bond is one of a series of bonds numbered from .....to.....inclusive, of the denomination of $.....each, aggregating $....., and was duly authorized by the board of regents of the University of New Mexico at a meeting of said board held in the city of Albuquerque, New Mexico, on the..... day of....., 19.....

This bond is issued under the provisions of chapter

.....of the laws of 1927, state of New Mexico, and all the acts, matters and things required to occur, be done and performed to legally issue said bonds have duly occurred, happened, been done and performed, and the board of regents aforesaid does hereby irrevocably pledge for the prompt payment of the interest and principal hereof, the full faith and credit of said board of regents, and does hereby certify, recite and declare that this bond and the issue of which it forms a part, does not exceed any limitation of indebtedness prescribed by the constitution or statutes of the state of New Mexico.

The date of this bond is.....

In testimony whereof the said board of regents of the University of New Mexico, at Albuquerque, in the county of Bernalillo, state of New Mexico, has caused the seal of the said board of regents to be hereto affixed, and this bond to be signed by the president and secretary and treasurer of said board.

.....
President of the board of regents of the University of New Mexico.

(SEAL)

.....
Secretary and treasurer of the board of regents of the University of New Mexico.

Interest Coupon

Coupon No.....
On the 1st day of....., the board of regents of the University of New Mexico, at Albuquerque, in the county of Bernalillo, state of New Mexico, hereby promises to pay to the bearer at.....bank in the city of New York, state of New York,..... dollars ($) being six months interest then due on its Building and Improvement bond dated..... .....and numbered.....

....
Secretary and Treasurer. President.
(Fac-simile signatures)

(L. '27, Ch. 47, Sec. 3.

Bonds issued by the University of New Mexico under the provisions of sections 130-913 to 130-925, are not obligations of the state, and no provision for taxation to provide interest and sinking fund need be made, and the approval by the voters need not be had. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Statutory bonds of the University of New Mexico, when issued, will be the valid obligations of the university.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued invalid.

Sale. The board shall offer said bonds for sale, after publication of notice of the time and place of sale, in some newspaper of general circulation in Albuquerque, New Mexico, and also in some financial newspaper published in the city of New York, once each week for four successive weeks prior to the date fixed for said sale. Such notice shall specify the amount, denomination, maturity dates and the description of the bonds to be offered for sale, and the place, day and hour at which sealed bids therefor will be received and opened, and that only unconditional bids will be considered, and that each bid must be accompanied by a certified check drawn on a solvent bank or trust company, payable to the order of the secretary and treasurer of said board, for not less than five per centum of the par value of the bonds offered for sale, as a guaranty that the bonds will be taken by the bidder if his bid is accepted and the bidder does not take and pay for the bonds in accordance therewith. At the place and time specified in such notice, the board or the executive committee thereof shall publicly open thebids and award the bonds to the responsible bidder or bidders offering the highest price therefor, but no bid shall be accepted for less than the par value of said bonds, plus the accrued interest from the last preceding interest date to the date of delivery of said bonds. Before delivery of the bonds to the purchaser, the secretary and treasurer of the board shall detach and cancel all matured interest coupons. Said board or the executive committee thereof,

shall have and reserve the right to reject any and all bids at such sale, and re-advertise the same. The state treasurer may, with the approval of the state board of finance and the other officials whose approval may be required by law for the investment of public funds, purchase such bonds at par and accrued interest to date of delivery for such investment, without the necessity of them being advertised or publicly offered for sale by the board, or after rejection of bids for all or any part of any issue. Such bonds shall be accepted at their par value by all public officials in this state as security for the repayment of all deposits of public moneys of this state, or of any county, municipality or public institution thereof, and as security for the faithful performance of any obligation or duty to guarantee the performance of which such officials are now authorized by law to accept a deposit of the bonds of this state or of the United States of America. (L. '29, Ch. 30, Sec. 3, amending L. '27, Ch. 47, Sec. 4.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Proceeds from sale. The proceeds from the sale of said bonds shall be paid to the secretary and treasurer of said board, and shall be by him placed in a separate fund to be known as "permanent improvement fund" to be used and paid out only for the specified purposes in this act enumerated upon order of the board, on checks signed by the president or vice president of said board and by the secretary and treasurer thereof, except such portion thereof as may have been received on account of accrued interest on said bonds to date of delivery, which amount shall be placed in the "interest and retirement fund" for the liquidation of said bonds as hereinafter provided. The cost of preparing, advertising and selling said bonds, including any necessary expense for legal opinions thereon, shall be paid out of the proceeds of the sale of said bonds. (L. '27, Ch. 47, Sec. 5.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the Univer-

sity of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Interest and retirement fund. The board of regents shall at the time of issuing said bonds, establish for the payment of the principal and interest thereof a fund to be known as "interest and retirement fund" into which fund said board shall immediately place a sum not less than the amount necessary to pay the interest and maturing principal of said bonds for the ensuing twelve months, and annually thereafter shall continue to place in said fund a sufficient amount to pay principal and interest maturing in the succeeding twelve months. (L. '27, Ch. 47, Sec. 6.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Irrevocable pledge. For the faithful and prompt payment of all interest and principal of said bonds as and when the same shall mature according to the tenor thereof, the issue thereof shall constitute an irrevocable pledge by said board of so much of each year's income from the permanent fund of the University of New Mexico in the hands of the treasurer of this state, as shall be necessary to provide the "interest and retirement fund" herein mentioned, for the ensuing year, and to at all times fully and faithfully keep the same in not less than the amount necessary to pay the interest and principal maturing as aforesaid; and in addition thereto the issue of said bonds shall constitute an irrevocable pledge by said board of so much of each year's income from the income and current fund derived from the lease of such of its lands as remain unsold, as may be necessary to fully protect the "interest and retirement fund" for the ensuing year, and keep the same at all times in proper amount as herein provided. (L. '27, Ch. 47, Sec. 7.

Slight misnomer of university in statute or contract is immaterial as to validity of university bonds, where its identity appears or can be made to appear by parol; statute authorizing "the board of regents of the University of New Mexico," instead of "the regents of the University of New Mexico," to issue bonds, held not to render the bonds, when issued, invalid. State v. University of New Mexico, 32 N. M. 428, 258 P. 571.

Investment of funds from sale of land. That from and after the passage and approval of this act, all permanent funds thereafter derived from the sale or disposition of the lands held in trust for said university, shall be invested in bonds of the United States or of the state of New Mexico, the income from which shall likewise form a part of the pledged income for the payment of the principal and interest of said bonds issued by said board. (L. '27, Ch. 47, Sec. 8.

Bonds--Payment. It shall be the duty of the secretary and treasurer of said board of regents to forward to the bank at which said bonds are payable, prior to the date on which any coupons or any principal amount of any of said bonds shall mature, out of the "interest and retirement fund" a sufficient sum of money to meet said coupons and maturing bonds as the same become due, plus any service charge which said bank shall be entitled to receive for its services. (L. '27, Ch. 47, Sec. 9.

Use of funds derived from sale of building bonds. None of the funds derived from the sale of said bonds, except so much thereof as shall be necessary to defray the cost of the issuance thereof and the accrued interest from the date thereof to the time of delivery, shall ever be used or expended by said board for any other purposes than those for which authority is herein given to issue the same, as set forth in section 1 hereof. (L. '27, Ch. 47, Sec. 10.

Income and retirement fund. It is hereby made the duty of the treasurer of this state, upon receiving written notice from the secretary and treasurer of said board that it has issued bonds as provided for herein, to forthwith forward and pay over to the secretary and treasurer

of said board out of the income from the permanent funds of said university, a sum sufficient to make and establish the income and retirement fund, as herein provided, and annually thereafter to pay over a sufficient amount for said purpose, to the end that said interest and retirement fund shall at all times be kept in the proper amount. In the event there should not be sufficient undistributed income from permenent funds of said university, then said state treasurer shall use so much of the income and current fund of said university in his hands as shall be necessary to establish and at all times maintain said interest and retirement fund. (L. '27, Ch. 47, Sec. 11.

Bonds--Series--Limitation of amount issued. In the event the board of regents aforesaid should find it advisable to issue bonds under this act in more than one series, or at different times, for any of the purposes aforesaid, then each series of said bonds shall be designated by the letter "A," "B" or in some other designation to the end that each series shall be kept separate, and all of the requirements of this act shall apply to and be faithfully followed, done and carried out as to each of said series; Provided, however, that said board of regents shall not have power to issue bonds hereunder, the aggregate annual requirements for which to meet interest and principal, shall exceed the amount of the income from the permenent funds of said university received by the state treasurer for the fiscal year next preceding the date of the issuance of said bonds or any series thereof. (L. '29, Ch. 30, Sec. 4, amending L. '27, Ch. 47, Sec. 12.

Be

Bonds exempt from taxation. Bonds issued under the provisions of this act, being for the sole purposes specified in section 1 hereof, shall forever be and remain free and exempt from taxation by this state or any subdivision thereof. (L. '27, Ch. 47, Sec. 13.

NEW MEXICO SCHOOL LAW

TOPICAL AND ANALYTICAL INDEX

ARTICLE 10. THE NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

Purpose and character. The New Mexico College of Agriculture and Mechanic Arts shall be an institution of learning open to the children of all the residents of this state, and such other persons as the board of regents may determine, under such terms, rules and regulations as may be prescribed by said board of regents; shall be non-sectarian in character and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning bearing upon agriculture, and other industrial pursuits. (L. '89, Ch. 138, Sec. 19; C. L. '94, Sec. 3552; Code '15, Sec. 5129.

Course of instruction--Board of regents--Corporate powers--Quorum. The course of instruction of the college hereby created shall embrace the English language, literature, mathematics, philosophy, civil engineering, chemistry and animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and political, rural and household economy, horticulture, moral philosophy, history, mechanics and such other sciences and courses of instruction as shall be prescribed by the regents of this institution of learning. The management of said college and experiment station, the care and preservation of all property, of which such institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all moneys provided for by this act, s shall be vested in a board of five regents. Said five regents shall possess the same qualifications, as required for the regents of the University of New Mexico. Said regents and their successors in office shall constitute a body corporate, with the name and style of The Regents of the Agricultural College of New Mexico, with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure, of causing all things to be done necessary to carry out the provisions of law. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. (L. '89, Ch. 138, Sec. 20; C. L. '97, Sec. 3553; Code '15, Sec. 5130.

For appointment and terms of office, see constitu-

tion, art. XII, Sec. 13.

For filing of vacancies, see constitution, art. XX, Sec. 5.

For qualifications, see constitution, art. VII, Sec. 2.

Referred to in Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589, 139 P. 148,

Cited in State v. Llewellyn, 23 N. M. 413, 167 P. 414.

Cited in construing the liquor act of 1923 in State v. Armstrong, 31 N. M. 220, 243 P. 333.

Officers. The officers of said college shall be the same, be elected in the same manner, at the same time, and possess the same qualifications as the regents and officers, shall perform their duties as provided for the regents and officers of the University of New Mexico. The secretary and treasurer shall receive a salary of one hundred dollars a month. (L. '89, Ch. 138, Sec. 21; C. L. '97, Sections 3554, 3642; Code '14, Sec. 5131.

Cited in State v. Llewellyn, 23 N. M. 413, 167 P. 414.

Powers and duties. The board of regents shall direct the dispostion of any moneys belonging to or appropriated to the agricultural college and experiment station and shall make all rules and regulations necessary for the government and management of the same, adopt plans and specifications for necessary buildings, and fix the salaries of professors, teachers and other employees, and the tuition fees to be charged in said college. (L. '89, Ch. 138, Sec. 23; C. L. '97, Sec. 3556; Code '15, Sec. 5132.

Referred to in Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589, 139 P. 148.

Board of regents enforce all laws relating to agricultural projects, etc. That the board of regents of the college of agriculture and mechanic arts is hereby given supervision of the administration and enforcement of all laws of this state, relating to agriculture, agricultural projects, horticulture, feeds and feed stuffs, insect pests, plant diseases and such subjects pertaining to agriculture and horticulture as the legislature shall hereafter provide, and shall have power to delegate inspectors and agents to assist in the enforcement of such laws. (L. '13, Ch. 77, Sec. 1.

Agricultural experiment station. The agricultural experiment station in connection with said college shall be under the direction of the said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one of an act of Congress approved March 2, 1887, and entitled, an act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto. The said college and experiment station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the Congress of the United States and particularly to the benefit and donations given by the provisions of an act of Congress of the United States entitled, an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts, approved July 2, 1862, and of all acts supplementary thereto, including the act entitled, an act to establish agricultural experiment stations in connection with colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, which said last mentioned act was approved March 2, 1887, (L. '89, Ch. 138, Sec. 24; C. L. '94, Sec. 3557; Code '15, Sec. 5133.

Assent to act of Congress. The assent of the legislature of New Mexico is hereby given in pursuance of the requirement of section two of an act of Congress entitled, an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862, approved August 30th, 1890, to the granting of moneys for the benefit of the agricultural college of New Mexico, and the said legislature accepts and consents to all of the terms and conditions of said act of Congress, and assent is further given to carry out within the State of New Mexico, all and singular, the provisions of said act of Congress. (L. '91, Ch. 78, Sec. 1; C. L. '97, Sec. 3567a; Code '15, Sec. 5134.

Agricultural experiment stations--Assent to terms of federal act. That the assent of the legislature of the state of New Mexico is hereby given, in pursuance of the

requirements of section 2 of an act of Congress entitled, "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof, approved March 16, 1906," commonly known as the Adams act, to the purpose of the grants of money authorized by such act to the carrying out, within the state of New Mexico, of all and singular the provisions of said act. (L. '07, Ch. 13, Sec. 1; Code '15, Sec. 5135.

Assent to act of Congress. The assent of the legislature of the state of New Mexico, is hereby given in pursuance of the requirements of section of said act of Congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one of said last mentioned act, and assent is hereby given to carry out, within the state of New Mexico, all and singular the provisions of said act. (L. '89, Ch. 138, Sec. 25; C. L. '97, Sec. 3558; Code '15, Sec. 5136.

Agricultural extension work--Assent to act of Congress. That pursuant to and in accordance with the provisions of the act of Congress entitled, "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, 'and all acts supplementary thereto' and the United States department of agriculture," approved May 22, 1928, and commonly known as the "Capper-Ketcham act," the assent of the legislature of the state of New Mexico shall be and hereby is givento the provisions and requirements of said act, and the regents of the agricultural college of New Mexico are hereby authorized and empowered to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work which shall be carried on by and in connection with said agricultural college, and to direct the expenditure of such grants of money appropriated under the aforesaid act, in accordance with the terms and conditions as expressed in said act. (L. '29, Ch. 115, Sec. 1.

An act accepting the provisions of an act of Congress entitled "An act to provide for the further development of agricultural extension work between the

agricultural colleges in the several states receiving the benefits of the act entitled, 'An act donating public lands of the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States department of agriculture," approved May 22, 1928, and commonly known as the "Capper-Ketcham act," and designating trustees to receive and expend the grants of money appropriated under this act. (Approved and in force March 11, 1929.

Board of regents--Rules--Calling meetings. The board of regents shall have power and it shall be their duty to enact laws for the government of said college and experiment station and the meetings of said board may be called in such manner as the regents may prescribe. (L. '89, Ch. 138, Sec. 26; C. L. '97, Sec. 3559; Code '15, Sec. 5137.

Instruction--Books--Degrees--Removal of officer. The immediate government of the several departments shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction and prescribe, under the advice of the faculty, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other agricultural colleges. The regents shall have power to remove any officer connected with the agricultural college or experiment station when, in their judgment, the best interests of the college require it. (L. '89, Ch. 138, Sec. 27; C. L. '97, Sec. 3560; Code '15, Sec. 5138.

Assent to federal act for agricultural experiment stations given. That the assent of the legislatureof the state of New Mexico is hereby given in pursuance of the requirements of section 2 of the act of Congress entitled, "An act to authorize the more complete endowment of agricultural experiment stations and for other purposes," approved February 24, 1925, and commonly know as the "Purnell act," to the purpose of the grants of moneys authorized by such act to the carrying out within the state of New Mexico, of all and singular the provisions of said act. (L. '27, Ch. 83, Sec. 1.

Authorized to borrow money. That for the purpose of erecting, altering, improving, furnishing or equipping any necessary buildings at the New Mexico College of Agriculture and Mechanic Arts at state college, or for acquiring any necessary land for the use of said college, or both, the board of regents of the New Mexico College of Agriculture and Mechanic Arts is hereby authorized to borrow money in conformity with the terms of this act. (L. '29, Ch. 40, Sec. 1.

An act to authorize the board of regents of the New Mexico College of Agriculture and Mechanic Arts to issue and sell building and improvement bonds, and providing for the payment thereof. (Approved and in force March 8, 1929.

Board may issue building and improvement bonds. Whenever the said board, by the affirmative vote of a majority of its members, duly entered in the minutes of said board, shall by resolution determine that it is necessary to erect, alter, improve, furnish or equip any building or buildings at said college, or qcquire any land for the use thereof, or both, said board is hereby empowered and authorized to issue and sell, subject to the terms of this act, building and improvement bonds of the New Mexico College of Agriculture and Mechanic Arts. (L. '29, Ch. 40, Sec. 2.

Building and Improvement bonds--Denominations--Term --Form. Said bonds shall be negotiable, coupon bonds, issued in serial form, in denominations of five hundred ($500.00) dollars or one thousand ($1,000.00) dollars each, as the board shall determine, and said bonds shall not run for a longer time than twenty years from the date of issue. Said bonds shall be redeemable in consecutive order commencing not later than the second year from date of issue, and shall bear interest from date of issue at a rate not to exceed six per centum per annum, and shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEW MEXICO

No..... .....

New Mexico College of Agriculture and
Mechanic Arts
Building and Improvement Bond.

Serial No.....

The board of regents of the New Mexico College of Agriculture and Mechanic Arts, at state college, in the county of Dona Ana, state of New Mexico, on the faith, credit and behalf of the said college, hereby acknowledges said board is indebted and promises to pay to the bearer, ...years from the date hereof, the sum of .....dollars in lawful money of the United States of America, with interest thereon from the date hereof, at the rate of.....per centum per annum, payable semi-annually on the first day of .....and.....in each year, coupons therefor being attached hereto, both principal and interest being payable upon presentation and surrender of this bond or the proper coupon, at..... .....bank in the city of New York, state of New York.

This bond is one of a series of bonds numbered from .....to.....inclusive, of the denomination of $.....each, aggregating $....., and was duly authorized by the board of regents of the New Mexico College of Agriculture and Mechanic Arts at a meeting of said board held in state college, New Mexico, on the.....day of ....., 19.....

This bond is issued under the provisions of chapter 40 of the laws of 1929, state of New Mexico, and all the acts, matters and things required to occur, be done and performed to legally issue said bonds have duly occurred, happened, been done and performed, and the board of regents aforesaid does hereby irrevocably pledge for the prompt payment of the interest and principal hereof, the full faith and credit of said board of regents, and does hereby certify, recite and declare that this bond and the issue of which it forms a part, does not exceed any limitation of indebtedness prescribed by the constitution or statutes of the state of New Mexico.

The date of this bond is.....

In testimony whereof the said board of regents of the New Mexico College of Agriculture and Mechanic Arts, at state college, in the county of Dona Ana, state of New Mexico, has caused the seal of the said board of regents to be hereto affixed, and this bond to be signed by the president and secretary and treasurer of said board.

.....
President of the board of regents
of the New Mexico College of Agriculture and Mechanic Arts.

Interest Coupon

Coupon No.....

On the 1st day of....., the board of regents of the New Mexico College of Agriculture and Mechanic Arts, at state college, in the county of Dona Ana, state of New Mexico, hereby promises to pay to the bearer at.....bank in the city of New York, state of New York, ... dollars ($) being six months interest then due on its building and improvement bond dated..... .....and numbered.....

....
Secretary President

(Fac-simile signatures)
(L. '29, Ch. 40, Sec. 3.

Sale. The board shall offer said bonds for sale, after publication of notice of the time and place of sale, in some newspaper of general circulation in Albuquerque, New Mexico, and also in some financial newspaper published in the city of New York, once each week for four successsive weeks prior to thedate fixed for said sale. Such notice shall specify the amount, denomination, maturity dates and the description of the bonds to be offered for sale, and the place, day and hour at which sealed bids therefor will be received and opened, and that only unconditional bids will be considered, and that each bid must be accompanied by a certified check drawn on a solvent bank or trust company, payable to the order of the secretary and treasurer of said board, for not less than five per centum of the par value of the bonds offered for sale, as a guaranty that the bonds will be taken by the bidder if his bid is accepted and the bidder does not take and pay for the bonds in accordance therewith. At the place and time specified in such notice, the board or the executive committee thereof shall publicly open the bids and award the bonds to the responsible bidder or bidders offering the highest price therefor, but no bid shall be accepted for less than the par value of said bonds, plus the accrued interest from the last preceding interest date to the date of delivery of said bonds. Before delivery of the bonds to the purchaser, the secretary and treasurer of the board shall detach and cancel all matured interest coupons. Said board or the committee thereof shall have and reserve the right to reject any and all bids at such sale, and re-advertise the same.

(L. '29, Ch. 40, Sec. 4.

Use of proceeds. The proceeds from the sale of said bonds shall be paid to the secretary and treasurer of said board, and shall be by him placed in a separate fund to be known as "permanent improvement fund" to be used and paid out only for the specified purposes in this act enumerated upon the order of the board, on checks signed by the president or vice president of said board and by the secretary and treasurer thereof, except such portion thereof as may have been received on account of accrued interest on said bonds to date of delivery, which amount shall be placed in the "interest and retirement fund" for the liquidation of said bonds as hereinafter provided. The cost of preparing, advertising and selling said bonds, including any necessary expense for legal opinions thereon, shall be paid out of the proceeds of the sale of said bonds. (L. '29, Ch. 40, Sec. 5.

Interest and retirement fund. The board of regents shall at the time of issuing said bonds, establish for the payment of the principal and interest thereof a fund to be known as "interest and retirement fund" into which fund said board shall immediately place a sum not less than the amount necessary to pay the interest and maturing principal of said bonds for the ensuing twelve months, and annually thereafter shall continue to place in said fund a sufficient amount to pay principal and interest maturing in the succeeding twelve months. (L. '29, Ch. 40, Sec. 6.

Obligation an irrevocable pledge. For the faithful and prompt payment of all interest and principal of said bonds as and when the same shall mature according to the tenor thereof, the issue thereof shall constitute an irrevocable pledge by said board of so much of each year's income from the permanent fund of the New Mexico College of Agriculture and Mechanic Arts in the hands of the treasurer of this state, as shall be necessary to provide the "interest and retirement fund" herein mentioned, for the ensuing year, and to at all times fully and faithfully keep the same in not less than the amount necessary to pay the interest and principal maturing as aforesaid; and in addition thereto the issue of said bonds shall constitute an irrevocable pledge by said board of so much of each year's income from the income and current fund derived from the lease of such of its lands as remain unsold,

as may be necessary to fully protect the "interest and retirement fund" for the ensuing year, and keep the same at all times in proper amount as herein provided. (L. '29, Ch. 40, Sec. 7.

Investment of permanent funds. That from and after the passage and approval of this act, all permanent funds thereafter derived from the sale or disposition of the lands held in trust for said college, shall be invested in bonds of the United States or of the state of New Mexico, the income from which shall likewise form a part of the pledged income for the payment of the principal and interest of said bonds issued by said board. (L. '29, Ch. 40, Sec. 8.

Payment of interest and maturing bonds. It shall be the duty of the secretary and treasurer of said board of regents to forward to the bank at which said bonds are payable, prior to the date on which any coupons or any principal amount of any of said bonds shall mature, out of the "interest and retirement fund" a sufficient sum of money to meet said coupons and maturing bonds as the same become due, plus any service charge which said bank shall be entitled to receive for its services. (L. '29, Ch. 40, Sec. 9.

Use of proceeds from bond sale. None of the funds derived from the sale of said bonds, except so much thereof as shall be necessary to defray the cost of the issuance thereof and the accrued interest from the date thereof to the time of delivery, shall ever be used or expended by said board for any other purposes than those for which authority is herein given to issue the same, as set forth in section 1 hereof. (L. '29, Ch. 40, Sec. 10.

Income and retirement fund. It is hereby made the duty of the treasurer of this state, upon receiving written notice from the secretary and treasurer of said board that it has issued bonds as provided for herein, to forthwith forward and pay over to the secretary and treasurer of said board out of the income from the permanent funds of said college, a sum sufficient to make and establish the income and retirement fund, as herein provided, and annually thereafter ~~to pay~~ over a sufficient amount for

said purpose, to the end that said interest and retirement fund shall at all times be kept in the proper amount. In the event there should not be sufficient undistributed income from permanent funds of said college, then said state treasurer shall use so much of the income and current fund of said college in his hands as shall be necessary to establish and at all times maintain said interest and retirement fund. (L. '29, Ch. 40, Sec. 11.

Series of bonds. In the event the board of regents aforesaid should find it advisable to issue bonds under this act in more than one series, or at different times, for any of the purposes aforesaid, then each series of said bonds shall be designated by the letter "A," "B" or in some other proper designation to the end that each series shall be kept separate, and all of the requirements of this act shall apply to and be faithfully followed, done and carried out as to each of said series, Provided, however, that said board of regents shall at no time issue bonds hereunder in excess of the aggregate principal sum of two hundred thousand ($200,000.00) dollars. (L. '29, Ch. 40, Sec. 12.

Bonds exempt from taxation. Bonds issued under the provisions of this act, being for the sole purposes specified in section 1 hereof, shall forever be and remain free and exempt from taxation by this state or any subdivision thereof. Such bonds may be deposited as security for public moneys by depositaries thereof within the state of New Mexico. (L. '29, Ch. 40, Sec. 13.

NEW MEXICO SCHOOL LAWS

TOPICAL AND ANALYTICAL INDEX

ARTICLE 11. THE NEW MEXICO SCHOOL OF MINES.

Objects--Studies. The object of the New Mexico School of Mines is to furnish facilities for the education of such persons as may desire to receive instruction in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the fundamental laws of the United States, and the rights and duties of citizenship, and such other courses of study, not including agriculture, as may be prescribed by the board of regents. (L. '89, Ch. 138, Sec. 28; C. L. '97, Sec. 3593; Code '15, Sec. 5139.

Board of regents--Corporate powers--Quorum. The management and control of said school of mines, the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use, and the disbursement and expenditure of all moneys, shall be vested in a board of five regents. Said regents and their successors in office shall constitute a body corporate, under the name and style of, the regents of the New Mexico School of Mines, with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure, and of causing all things to be done necessary to carry out the provisions of this article. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. (L. '89, Ch. 138, Sec. 29; C. L. '97, Sec. 3594; Code '15, Sec. 5140.

For appointment, see constitution, art. XII, Sec. 13.
For qualifications, see constitution, art. VII, Sec. 2.
For filling of vacancies, see constitution, art. XX, Sec. 5.
Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Officers--Bond of secretary and treasurer. The school officers shall be the same regents, be elected in the same manner and at the same time, and possess the same qualifications as the officers of the University of New Mexico, and the secretary and treasurer so elected shall give bond

in the sum of ten thousand dollars in the manner provided in section 5121. (L. '89, Ch. 148, Sec. 30; C. L. '97, Sec. 3595; Code '15, Sec. 5141.

President--Powers. The president of said board shall be the chief executive officer, shall preside at all meetings thereof, except that when he is absent the board may appoint a president pro tem., sign all instruments required to be executed by said board; he shall also direct the affairs generally of the said school of mines, shall nominate and by and with the advice of said board of regents, appoint all professors, instructors, tutors and other employees necessary to the proper conduct of said school of mines, and in like manner shall determine the amount of their respective salaries. (L. '89, Ch. 138, Sec. 31; C. L. '97, Sec. 3596; Code '15, Sec. 5142.

Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Secretary and treasurer--Duties--Records. The secretary and treasurer shall be the financial and recording officer of said board, shall keep a true and correct account of all moneys received and expended by him, shall attest all instruments required to be signed by the president of said board, and shall keep a true and correct record of all the proceedings of said board and, generally, do all other things required of him by said board. (L. '89, Ch. 138, Sec. 32; C. L. '97, Sec. 3597; Code '15, Sec. 5143.

Board of regents--Powers. The board of regents shall have power and it shall be their duty to enact by-laws, rules and regulations for the government of such school of mines, not inconsistent with the laws of the state; and they shall also prescribe the text books to be used, the course of study, the branches to be taught, the number of departments into which said school shall be divided and to change the same from time to time; to fix the scholastic year, provide apparatus, mineral and geological cabinets, and do all and everything necessary in and about the premises with a view to promoting the best interests of said institution. (L. '89, Ch. 138, Sec. 33; C. L. '97, Sec. 3598; Code '15, Sec. 5144.

Faculties. The immediate government of their several departments shall be intrusted to their several faculties. (L. '89, Ch. 138, Sec. 34; C. L. '97, Sec. 3599; Code '15, Sec. 5145.

Degrees and diplomas. The board of regents shall have power to confer such degrees and grant such diplomas as are usually conferred and granted by other similar schools. (L. '89, Ch. 138, Sec. 35; C. L. '97, Sec. 3600; Code '15, Sec. 5146.

Removal of employees. The regents shall have power to remove any officer, tutor or instructor, or employee connected with said school, when in their judgment the best interests of said school require it. (L. '89, Ch. 138, Sec. 36; C. L. '97, Sec. 3601; Code '15, Sec. 5147.

Cited in Smith v. Insane Asylum, 19 N. M. 137, 141 P. 608.

Tuition--Non-residents. Said school of mines shall be a place for instruction in the branches mentioned in section 5139, with or without charge to residents of this state, as shall be deemed best by the trustees, but non-residents shall be admitted to the privileges of such school upon such terms as the regents shall prescribe. (L. '89, Ch. 138, Sec. 37; C. L. '97, Sec. 3602; Code '15, Sec. 5148.

Assays, etc--Compensation. The board of regents shall require such compensation for all assays, analyses, mill tests or other services performed by said institution as they may deem reasonable, and the same shall be collected and paid into the treasury of the school of mines for said institution, and an accurate account thereof shall be kept in a book to be provided for that purpose. (L. '89, Ch. 138, Sec. 38; C. L. '97, Sec. 3603; Code '15, Sec. 5149.

Declared to be a state school. The New Mexico School of Mines shall be the state school of mines. (L. '89, Ch. 138, Sec. 39; C. L. '97, Sec. 3604; Code '15, Sec. 5150.

Preparatory department. The New Mexico School of Mines shall, in addition to the course now provided for,

maintain a preparatory department. (L. '95, Ch. 2, Sec. 6; C. L. '97, Sec. 3605; Code '15, Sec. 5151.

NEW MEXICO SCHOOL LAW

TOPICAL AND ANALYTICAL INDEX

ARTICLE 12. HOME AND TRAINING SCHOOL FOR MENTAL DEFECTIVES.

Mental defective defined. The words "mental defective"in this act, shall be understood to mean any person mentally underdeveloped or faultily developed to the degree that he is incapable of managing himself and his affairs, and requires supervision, care and control for his own welfare, or for the welfare of others, or for the welfare of the community, and which mentally defective person is not classified as an insane person, nor merely backward or mentally retarded. (L. '25, Ch. 133, Sec. 1.

Home and training school established. There shall be established and hereafter maintained by this state an institution to be known as "the home and training school for mental defectives," for the care, custody, employment, education and training of mental defectives. (L. '25, Ch. 133, Sec. 2.

Directors. Said institution shall be managed by a board of directors, to consist of five competent persons, to be appointed by the governor, not more than three of whom shall belong to the same political party, and of whom two, at least, shall be women. The first board of directors shall be appointed, one member for two years, two members for four years, and two members for six years, and two members for four years; each succeeding appointment shall be for six years, except in case of appointments to fill vacancies, which shall be for the unexpired term.

The board shall elect a president and other officers, and three members shall constitute a quorum for the transaction of business. The board shall arrange regular quarterly meetings, and the president or any three members may call a special meeting when there is an emergency. The members of said board of directors shall receive no compensation for their services, but shall receive the amount of their actual expenses reasonably incurred in attendance upon the meetings of the board. (L. '25, Ch. 133, Sec. 3.

Superintendent. The board shall appoint a superintendent, who must be qualified by special training and experience to care for mental defectives; such superintendent shall serve at the pleasure of the board and the board shall fix his salary. (L. '25, Ch. 133, Sec. 4.

Convict labor. The board of directors shall be and it is hereby empowered to select and purchase, or receive as a donation, or lease or otherwise acquire a suitable and reasonably sufficient tract of land and proceed with the construction of suitable and reasonably sufficient buildings, and the superintendent of the penitentiary is hereby authorized to furnish said board, when called on, such number of convicts as can be spared to work upon the buildings and other improvements of said institution. The institution herein created shall be a corporate entity, and through its board of directors, may have and receive donations of money or property for the purposes herein contemplated, from whatsoever source, and have, manage, control, invest and re-invest the proceeds of any such donations, reporting on same annually to the governor at the time other receipts and expenditures are reported. (L. '25, Ch. 133, Sec. 5.

Inmates--How and whom may be committed. Any person over the age of twenty-one years may file with the clerk of the district court in the district wherein any such alleged mentally defective person resides, a petition and affidavit showing that there is within the jurisdiction of said court a person mentally defective, which petition and affidavit shall contain a statement of the facts bringing each person within the provisions of this act and shall state the name and place of residence of such person, with the names and places of residence of the parents, guardins or persons having custody and control of such mentally defective person, if any there be known to the affiant. The judge or clerk of the court shall set a short day for the hearing on said petition, and citation shall issue for the alleged mentally defective person, and his or her parents, guardians, or custodians, and other witnesses, if he thinks pepper to appear before the court at the time fixed. Upon the hearing, the court shall summon one or more reputable physicians, and such other qualified experts as he may deem proper, and if upon examination and hearing had, such person shall be found to be mentally defective, within the definition and provisions of this act, the

court may enter its order for the transfer of the mentally defective person to the institution herein created. Mental defectives who are assured of adequate care and supervision and are not a public menace are not included in the provisions of this act. That before such mentally defective person is transported to said institution, the court shall inquire of the superintendent thereof whether accommodations can be had for such mental defective person, and if he be informed there cannot, then the name of the mental defective shall be placed on the waiting list by said superintendent until such time as accommodations can be furnished for such person, notice of which shall forthwith be communicated to such court. The superintendent, with the approval of the board, may give preference to cases which constitute a special social menace. The superintendent shall be authorized to refuse admission when such institution is not equipped to give proper care and attention to such mentally defective person.

The order of the court in each case shall provide for the method of transfer and delivery of such mentally defective person to said institution, but no mentally defective female shall be taken to such institution by any male person not her husband, father, brother or son, or without the attendance of some woman of mature years chosen by the judge of the court for that purpose. A certified copy of such order shall constitute the commitment, and return of delivery of such person to such institution shall be endorsed upon the original order filed with the clerk. (L. '25, Ch. 133, Sec. 6.

Jurisdiction of courts. The court hearing such causes shall retain jurisdiction thereof, and, upon good cause shown, and being first satisfied that the mentally defective person is able to adjust himself or herself to the normal life of the community, or that he or she will be so cared for by others as not to require institutional care or treatment, may order the discharge of such mentally defective person. Upon advice of the attending physician and with the direction of the board, the superintendent may from time to time parole inmates of said institution. (L. '25, Ch. 133, Sec. 7.

Fees and costs of action. No filing fees shall be charged at the time of filing the petition in such causes, but court costs, transportation and other necessary expenses in connection with such causes may, at the discretion of the court, be taxed against the parents, guardians

or persons having custody and control of such mentally defective persons, and if an order is entered committing such person to the institution herein created, then the court shall inquire into the ability of his or her parents, guardians or custodians to contribute to the maintenance and support of such persons, and shall enter such order as shall be found proper for the payment by them, or either of them, to the superintendent of said institution, of a monthly or quarterly sum for such purpose. Where no order of court is entered regarding costs, expenses and maintenance, the same shall be defrayed by the county. (L. '25, Ch. 133, Sec. 8.

Receiving inmates from other institutions. The superintendents of the New Mexico insane asylum, New Mexico reform school and girls' welfare home, when the physicians of such institutions shall certify to them that any inmate of such institutions is mentally defective, and a proper case for admission into the institution herein created, shall present the matter to the superintendent of the latter institution, who, with the approval of the board of directors, may receive such person as an inmate of said institution without formal action of the court. (L. '25, Ch. 133, Sec. 9.

NEW MEXICO SCHOOL LAW

TOPICAL AND ANALYTICAL INDEX

ARTICLE 13. PROVISIONS APPLICABLE TO MORE THAN ONE STATE INSTITUTION.

Eminent domain. Whenever it shall be deemed necessary by the board of regents of the University of New Mexico, and of the New Mexico College of Agriculture and Mechanic Arts, the board of regents of the school of mines, the board of directors of the New Mexico insane asylum and the board of penitentiary commissioners to acquire title to any lands for the use of any such institution and the owner or owners of such lands are unable or unwilling to accept a fair and reasonable price for such lands, then, and in that event, each of the said several boards may acquire in the name of the state of New Mexico, title to so much of said land or lands as shall be deemed necessary by any such board for the use of any such institution, in the same manner as provided by law for the condemnation of land for railroad purposes, and such land so taken shall be deemed to be taken for public use. (L. '93, Ch. 68, Sec. 1; C. L. '97, Sec. 3693; Code '15, Sec. 5152.

The territory may maintain a suit to condemn land under this section. Territory v. Crary, 15 N. M. 213, 103 P. 968.

A petition under this section must contain an allegation that the acquisition of the land is deemed necessary by the board of regents.

The question whether or not the board of regents has money to pay for the land should be raised by answer.

Provisions ~~of~~ applicable to New Mexico military institute. That the provisions of section 5152 shall be applicable to the New Mexico military institute at Roswell, and the New Mexico normal school at Silver City and all other state institutions, with the same force and effect as if said institutes had been mentioned therein. (L. '21, Ch. 89, Sec. 1.

Sale or lease of lands--Disposition of funds. The New Mexico College of Agriculture and Mechanic Arts and all other state, educational and charitable institutions, in New Mexico, are authorized to expend the funds derived from the sale and lease of their lands, or so much thereof as may be necessary which are placed to the credit of the

respective institutions, for buildings, equipment and other permanent improvements. (L. '05, Ch. 72, Sec. 1; Code '15, Sec. 5153.

Sale or lease of lands--Use of funds--Report. The board of regents or other boards of control of said institutions are hereby authorized to expend said moneys as herein provided for said purposes and said boards shall make a full and complete report of the expenditures which they may make under the provisions of this act, giving amount and purpose for which expended, to the governor of the state of New Mexico. (L. '05, Ch. 72, Sec. 2; Code '15, Sec. 5154.

Accounts--Expenditures--Warrants--Receipts, etc. The board of managers of the different state institutions, under whatsoever name they may be legally designated, are hereby directed and required to keep in suitable books of record a strict account of all moneys received by them from the state, and also itemized accounts of the disbursement of the same. They shall require all bills against such institutions to be made out in duplicate, and all salaries or other expenditures except for bills and current expenses shall be receipted to be kept by the said board with the other papers and property of the institutions and the other to accompany all requisitions upon the auditor of the state for warrants, and no warrant shall be drawn by the auditor for any amount in favor of any such institution unless the requisition therefor is accompanied with such itemized receipts for the money expended after the last requisition. (L. '01, Ch. 98, Sec. 1; Code '15, Sec. 5155.

Charitable institutions--Accounts, etc. The persons in charge of each charitable or other institution which receive state aid, shall make their requisitions upon the auditor in the same manner as is provided for state institutions in the preceding section, and shall keep books and furnish itemized duplicate receipts for all moneys received and paid out in the same manner. (L. '01, Ch. 98, Sec. 2; Code '15, Sec. 5156.

Annual financial statement. It is hereby made the duty of the several boards of managers of state charitable or other institu~~tions wh~~ich receive any money from the state treasury, at the end of each fiscal year to make

out an itemized and detailed statement of all receipts and disbursements of such institution up to and including the last day of said fiscal year, which shall be sworn to as correct by the secretary, treasurer or other accounting officer of such institution who draws and receives the state funds and shall be transmitted to the governor of the state within the first thirty days of the new fiscal year; and any failure on the part of any person or officer to perform the duties herein specified shall subject such person to removal from his position and in case he is a bonded officer it shall be considered as a breach of his bond and be a misdemeanor in office, for which he may be fined in any sum not exceeding five hundred nor less than one hundred dollars, which shall be recovered from him and the sureties on his bond as a penalty. (L. '01, Ch. 98, Sec. 3; Code '15, Sec. 5157.

Expenditures--Indebtedness in excess of appropriation. Every officer, board, body or agency, or any member thereof, empowered to expend any public money or to direct the expenditure thereof, or to contract indebtedness against or in view of specific appropriations, is hereby prohibited from making any contract, incurring any expense, or contracting any liability against this state, or any public fund thereof, which shall make, tend to make, or contemplate any excess of expenditure beyond the terms of the laws authorizing expenditures by them, or either of them, or under their direction; and it shall be unlawful for any trustee, superintendent, warden or other officer of any of the educational, penal, charitable or other institutions of this state, who under the laws, has authority or may be vested with authority to purchase supplies, employ servants or assistants, contract indebtedness, or to do any act contemplating the expenditure of public moneys, to contract any indebtedness in behalf of such institutions or ostensibly against the state on account of such institutions in excess of the appropriations made for the maintenance and support thereof; but in respect to the penitentiary, the asylum for the insane, the reform sch, the institute for the blind, the miner's hospital and the deaf and dumb asylum, if the specific appropriations therefor shall have become exhausted, food and clothing for the inmates thereof may be purchased on the credit of the state. (L. '12, Ch. 69, Sec. 1; Code '15, Sec. 5158.

Contracts for food, clothing--Resolution of board. Before such food and clothing shall be purchased, in case of emergency, as provided in the preceding section, there s shall be passed a resolution of the governing board of the institutions mentioned, respectively, setting forth the kind, quantity, quality, and estimated cost of such supplies, food and clothing, and the necessity therefor, and showing the state of the funds appropriated to such institutions respectively; and a copy thereof certified by the president, chairman or other head of such board, and attested by its secretary or clerk, shall be transmitted to the governor, who, if he approve the same, shall return it to the board from which it came, with his approval thereon endorsed over his signature, and thereupon the purchases specified shall be authorized; but if he disapprove the resolution, he shall so notify the board aforesaid. (L. '12, Ch. 69, Sec. 2; Code '15, Sec. 5159.

Cited in Epstein v. Waas, 28 N. M. 608, 216 P. 506.

Exceeding appropriation--Penalty. Any person violating any of the provisions of the two preceding sections shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding $500 nor less than $100, or by imprisonment in the penitentiary for not less than six months nor more than one year, or by both such fine and imprisonment in the discretion of the court trying such cause. (L. '12, Ch. 69, Sec. 3; Code '15, Sec. 5160.

Grand jury--Duty. It is hereby made the duty of the several district judges to call to the attention of grand juries the provisions of the three preceding sections. (L. '12, Ch. 69, Sec. 4; Code '15, Sec. 5161.

Boards to determine requirements. The respective boards of regents of the New Mexico college of agriculture and mechanic arts, the New Mexico school of mines, the University of New Mexico, and the New Mexico military institute at Roswell, shall determine and fix the standard of requirements for admission to their respective institutions. (L. '12, Ch. 83, Sec. 2; Code '15, Sec. 5162.

State schools--Removal of members of faculty--Salary of secretary. No president or member of the faculty of any state educational shall be removed during the term

for which he is elected, or appointed, except for cause, and after trial by the board of regents of his institution, and that no secretary or treasurer of any such institution except those supported in whole or in part by United States appropriation, shall receive any compensation as such secretary and treasurer, or either. (L. '97, Ch. 72, Sec. 5; C. L. '97, Sec. 4181; Code '15, Sec. 5163.

Tuition and matriculation fee. The boards of regents of the University of New Mexico, the New Mexico college of agriculture and mechanic arts, the New Mexico school of mines, the New Mexico normal school at Silver City, the New Mexico normal university at Las Vegas, and the New Mexico military institute shall charge a matriculation fee of not less than five dollars for each and every student upon enrolling in their respective institutions, such matriculation fee to be paid once only for each institution in which such student enrolls. Each board of regents of such institutions shall furthermore charge astuition a fee of not less than twenty dollars a year for each and every student whose residence is in New Mexico and not less than fifty dollars a year for each and every student whose residence is outside e New Mexico; said tuition shall be fixed and made payable as said board of regents shall direct, collected by the officers of each institution and accounted for as other funds of such institutions, Provided, that said board of regents may fix charges for tuition for summer schools and for extension courses in their discretion; but the tuition charged for each summer school session shall not be less than ten dollars per student. The board of regents of the Spanish-American school at El Rito shall fix matriculation and tuition fees for students in that institution in their discretion. (L. '23, Ch. 77, Sec. 1, amending Code '15, Sec. 5164.

Retirement of members of faculty--Annuity. That the board of regents or other governing body of each state educational institution shall have the power by a majority vote of all of its members to retire any member of the faculty or employee who shall have taught in said institution or rendered services therein in either or both of such capacities for a period aggregating twenty-five years with the title of "president emeritus," "dean emeritus," "professor emeritus," or "retired employee" according to the title of such faculty member or employee at the time of his or her retirement; and such person shall thereafter and during the remainder of his or her life receive

an annuity or annual pension not to exceed one-half of the maximum salary received by such person during the five years next preceding his or her retirement hereunder, Provided, that said annuity shall not be more than fifteen hundred ($1,500.00) dollars annually. (L. '27, Ch. 67, Sec. 1, amending L. '25, Ch. 119, Sec. 1.

Annuities--Appropriations therefor. The amount of such annuities shall be included in the annual budget of the institutions retiring members of the faculty or employees hereunder and the payment thereof shall be out of money which shall be appropriated by the legislature therefor at the same time and in addition to the amount of the regular appropriation for said institutions and shall be turned over to the treasurer of the proper board of regents or governing body by the state treasurer in the same manner as other state appropriations and shall be paid to the pensioners entitled thereto by the treasurer of the board of regents or other governing body. (L. '27, Ch. 67, Sec. 2, amending L. '25, Ch. 119, Sec. 2.

Payment of pensions prior to appropriation. Any person designated as a pensioner hereunder prior to the ninth session of the legislature of the state of New Mexico, shall until regular appropriation is made therefor as provided in section 2 hereof, be paid out of funds in the hands of the state treasurer not otherwise appropriated, and it shall be the duty of the state treasurer to turn over to the treasurer of the proper board of regents or other governing body such money in the same manner as other state appropriations to state educational institutions, upon the receipt of written request therefor, duly certified and signed by the president or other presiding officer of such board of regents or other governing body, which shall be attested by the secretary thereof, and which shall contain such further information as may be required by the state treasurer. (L. '27, Ch. 67, Sec. 3, amending L. '25, Ch. 119, Sec. 3.

Annual budgets. At meetings of boards of regents of the several state educational institutions to be held in the month of June, and of managing boards of other state institutions to be held in the month of September of each year, tentative budgets for the year beginning September first following for the state educational institutions, and for the year beginning December first following for

other institutions shall be prepared. Such budget for each institution shall set forth in detail, and in such manner as the governor shall require, the estimated funds available for expenditures during such ensuing year, and detailed estimates of the expenditures which shall under no circumstances be greater than the revenues to be derived from all sources including balances. Such tentative budget shall be presented to the governor within thirty (30) days after its adoption by said boards of regents and managing boards. The governor is hereby authorized to revise such budget or any part of such budget and when so revised and finally approved by the governor said budget shall be binding upon the several boards of regents and managing boards of the state educational and other institutions; Provided, that changes in such budget may be made from time to time as conditions shall render necessary, subject to approval by the governor. (L. '21, Ch. 187, Sec. 1.

NEW MEXICO SCHOOL LAW

TOPICAL AND ANALYTICAL INDEX

ARTICLE 14. PROVISIONS APPLICABLE TO THE UNIVERSITY OF NEW MEXICO? THE NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC ARTS AND THE NEW MEXICO INSANE ASYLUM.

Members of boards--Expenses. The members of the several boards of the University of New Mexico, the New Mexico college of agriculture and mechanic arts, and the New Mexico insane asylum shall be allowed their actual and necessary traveling expenses in going to and returning from all necessary sessions of their respective boards, and also their necessary expenses while in actual attendance upon the same. (L. '89, Ch. 138, Sec. 56; C. L. '97, Sec. 3633; Code '15, Sec. 5165.

Disbursement of funds. The secretary and treasurer of all of such boards shall make disbursements of the funds in his hands in the order of the board, which order shall be countersigned by the president of the board, and shall state on what account the disbursement is made. (L. '89, Ch. 138, Sec. 58; C. L. '97, Sec. 3635; Code '15, Sec. 5167.

Apportionment of funds. Whenever there shall be any money in the hands of the state treasurer to the credit of any of the specific funds set apart for said institutions deemed sufficient by such board to commence the erection of any of the necessary buildings or improvements or pay the running or other expenses of such institution, the state auditor, on the request in writing of any such boards shall, and it is hereby made his duty, to draw his warrant in favor of the treasurer of said board and institution upon the state treasurer against the specific fund belonging to such institution in such sum, not exceeding the amount on hand in such specific fund at such time, as said board ~~shall~~may deem necessary: Provided, that any such board shall only draw said money as it may be necessary to disburse the same. (L. '89, Ch. 138, Sec. 59; C. L. '97, Sec. 3636; Code '15, Sec. 5168.

Annual reports. All of the managing boards of the said institutions shall annually, on or before the first day of December, make a full and true report in detail under oath, of all their acts and oings during the previous year, their receipts and expenditures, the exact status

of their institution and any other information that they may deem proper and useful or which may be called for by the governor, which said reports shall be made to the governor and he shall transmit the same to the succeeding session of the legislature. (L. '89, Ch. 138, Sec. 60; C. L. '97, Sec. 3637; Code '15, Sec. 5169.

Governor and school superintendent members of boards. The governor of the state and the superintendent of public instruction, if there be one, shall ex-officio be advisory members of all boards of the said institutions, but shall not have the right to vote or be eligible to office therein. (L. '89, Ch. 138, Sec. 62; C. L. '97, Sec. 3639; Code '15, Sec. 5170.

See constitution, art. XII, sec. 13, art. XIV, sec. 3.

Meetings of boards. The regular meeting of all said boards shall be held quarterly: Provided, that they may hold as many special sessions as they shall deem necessary. (L. '89, Ch. 138, Sec. 64; C. L. '97, Sec. 3641; Code '15, Sec. 5171.

Members of boards--Residence. At least one member of the said several boards shall be a resident of the town or city at or near which the institution is located. (L. '89, Ch. 138, Sec. 66; C. L. '97, Sec. 3643; Code '15, Sec. 5172.

Records to be public. The records of the said boards shall be open at all reasonable times for the inspection of any citizen. (L. '89, Ch. 138, Sec. 67; C. L. '97, Sec. 3644; Code '15, Sec. 5173.

Members and employees not to be interested in contracts. No employee or member of any of the said boards shall be interested pecuniarily, either directly or indirectly, in any contract for building or improving any of said institutions or for the furnishing of supplies to any of such institutions. (L. '89, Ch. 138, Sec. 68; C. L. '97, Sec. 3645; Code '15, Sec. 5174.

Members of boards--Oath. Each and every member of the

said boards shall, before entering upon their respective duties, take and subscribe an oath to faithfully and honestly discharge their duties in the premises and strictly and impartially perform the same to the best of their several abilities. Said oath shall be filed with the secretary of state. (L. '89, Ch. 138, Sec. 69; C. L. '97, Sec. 3646; Code '15, Sec. 5175.

For oath, see constitution, art. XX, Sec. 1.

Power to hold property. All of the said institutions, including the New Mexico Military Institute, shall be entitled to receive all the benefits and donations made and given to similar institutions of learning and charity in other states and territories of the United States, by the legislation of the congress of the United States, or from private individuals or corporations, and for the benefit of said institutions they shall have power to buy and sell or lease or mortgage realty, and do all things that, in the opinion of the several boards, will be for the best interests of said institutions, and are inthe line of its object. (L. '21, Ch. 177, Sec. 1.

To be non-sectarian. All the said institutions shall forever remain strictly non-sectarian in character, and no creed or system of religion shall be taught in any of them. (L. '89, Ch. 138, Sec. 71; C. L. '97, Sec. 3648; Code '15, Sec. 5177.

NEW MEXICO SCHOOL LAW

TOPICAL AND ANALYTICAL INDEX

ARTICLE 15. TAXATION TO SUPPORT.

Additional tax for buildings and improvements. That a tax of one-half of one mill on the dollar of assessed valuation of all property subject to taxation in this state is hereby levided for and in each of the years 1927, 1928, 1929, and 1930, which tax levies shall be extended upon the several county tax rolls for each of said years and shall be assessed and collected at the times and in the manner provided by law for the assessment and collection of other taxes; and the proceeds thereof shall be paid over by the several county treasurers, without deduction of any percentage thereof, to the state treasurer, and credited by him to a fund hereby created to be designated "building fund for state educational institutions," to be used only for the purchase of lands, contruction and repair of buildings, additions to buildings and the purchase and installation of heating plants, water supply, and equipment for the state institutions hereinafter named. (L. '27, Ch. 130, Sec. 1.

Anticipate levies--Debentures. In order to provide funds for the immediate construction of buildings and other purposes herein provided for the state board of finance is hereby authorized to anticipate the collection of said tax levies by the issuance and sale of debentures at such times and in such amounts, not exceeding in the aggregate five hundred thousand dollars ($500,000), and bearing interest at such rate not exceeding six per centum per annum as said board shall determine. Said debentures shall be issued in series to mature at stated annual periods not more than five years from date of issuance. Said debentures shall be signed by the president of the state board of finance, attested by its secretary and shall be countersigned by the state treasurer and may have attached thereto coupons bearing the fac simile signature of the state treasurer for semi-annual installments of interest. The state treasurer shall keep a correct record of all such debentures issued and shall set aside sufficient of the proceeds of said taxes to pay the interest thereon and the principal at maturity. Said debentures may be sold by the state board of finance to the highest bidder for cash at not less than par and accrued interest or to the bidder who shall offer to purchase the same for cash at par and accrued interest for

debentures bearing the lowest rate of interest, after advertising the time and place of sale by notice published for four consecutive weeks in one newspaper published in the city of Santa Fe, New Mexico, and by one publication in a financial publication published in the city of New York, state of New York, the first publication in New Mexico, and the publication in New York to be not less than thirty days next prior to the date of sale. At the time and place stated in said notice the said board shall open the bids in public and may award said debentures to the bidder or bidders offering the highest price not less than par and accrued interest or offering to purchase said debentures at par and accrued interest for debentures bearing the lowest rate of interest. Said board shall require as security for compliance with the terms of each bid the deposit of a certified check equal to two per centum of the amount of the bid drawn upon some solvent bank or trust company payable to the order of the state treasurer as a guaranty that the debentures will be paid for by the bidder if his bid is accepted and to be forfeited in case he fails to make good his bid. The board may reject any or all bids. The cost of such advertisement shall be paid out of said building fund upon warrant drawn by the state auditor. The proceeds of the sale of said debentures shall be paid into the state treasury to be credited to said "building fund for state educational institutions." The state treasurer may with the approval of the state board of finance and the other officials whose approval is required by law for investment of public funds purchase said debentures at par and accrued interest for such investment without advertising or offering them for sale or after rejection of bids for all or parts of any issue.

The issue and sale of said debentures shall constitute an irrevocable contract between the state and the owner of any of said debentures that said taxes at the rate provided by this act shall not be reduced or discontinued so long as any of said debentures remain outstanding and unpaid and that the state will cause said taxes to be promptly collected and sufficient thereof set aside and applied to pay said debentures and interest according to the terms thereof. (L. '27, Ch. 130, Sec. 2.

Apportionment. From the proceeds of the sale of said debentures and the collection of said taxes there shall be set aside to be used for the purposes mentioned in section 1 hereof:

For the New Mexico Military Institute $100,000

For the New Mexico College of Agriculture and Mechanic Arts.....$ 75,000

For the New Mexico Normal University at Las Vegas .....$ 85,000

For the New Mexico Normal School at Silver City .....$ 75,000

For the Spanish-American School at El Rito...$ 60,000

For the New Mexico Asylum for the Deaf and Dumb .....$ 75,000

For the New Mexico School of Mines.....$ 75,000

For the Girls' Welfare Home.....$ 25,000

Said funds to be remitted to the treasurers of the several institutions at such times and in such amounts as shall be directed by the state board of finance by requisition. (L. '27, Ch. 130, Sec. 3.

State board of finance control. The state board of finance shall have supervision and control of the adoption of plans and specifications and letting of contracts for construction and repair of buildings, the purchase of lands, water supplies, and equipment and other expenditures for the purposes of this act. Such contracts shall be awarded upon sealed bids to the lowest responsible bidders after such advertisement and upon such terms as said board shall fix and the board shall require contractors to furnish surety bonds as provided by chapter 136 of the laws of 1923, (L. '27, Ch. 130, Sec. 4.

NORMAL SCHOOLS

County where located to pay for high schools. Section 10. The County Board of Education of any county, in which any of the Normal Schools mentioned in the State constitution is located, is hereby directed upon the request of the Board of Regents of such institution to include in its budget for the maintenance of public, elementary and high schools within the county an amount sufficient to pay the salaries of as many teachers, as may be found necessary to teach high school students residing in the county who are attending such institution. PROVIDED, that the term "high school" shall apply to courses above the eighth elementary school grade and of a strictly secondary school standard, that the number of such teachers to be provided for shall be determined upon the basis of one teacher for each twenty of such high school students attending such institutions the preceding year, or major fraction thereof, and the amount to be provided for in said budget by the County Board of Education shall not exceed $2,000.00 for each teacher. The Board of County Commissioners of each county is hereby required to make the general levy for maintenance of schools sufficient to provide for the amount required hereunder as certified by the County Board of Education. In making the distribution of the proceeds of said general county levy, the County Board of Education shall determine the ratio of the amount allowed such institution to the total of the budget estimates as approved by the Board of County Commissioners and shall in each month draw a warrant upon the County Treasurer payable to said institution for a proportionate amount of the collections under the general county school levy for the preceding month.

Section 11. Any member or members of any Board of Control, persons, official or agency of the State who shall violate the provisions of this Act shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than $10,000.00 nor less than $500.00 or imprisonment for a term of not more than 10 years, or both, and in addition thereto shall be liable for the repayment, to the State, of all amounts contracted to be expended out of any purchase made in violation hereof. (Laws of 1927, Sections 10 and 11, Chapter 187.

ARTICLE 6. LEASES TO MUNICIPALITIES, COUNTIES OR SCHOOL DISTRICTS.

Municipalities may lease land within five miles. Whenever any lands belonging to the state of New Mexico or under the supervision of the commissioner of public lands of the state of New Mexico are situate within five miles of any municipality, and any such municipality may have use for said state land or lands for airports, parks, swimming pools, fair grounds, play grounds, or other municipal purposes, said municipality is authorized and empowered to lease said lands or so much thereof as may be reasonably necessary for such purpose or purposes from the commissioner of public lands of the state of New Mexico, and said commissioner of public lands is hereby authorized and empowered to enter into such a lease for a term not exceeding twenty-five years upon such reasonable terms and conditions as may be prescribed by the commissioner of public lands. (L. '29, Ch. 53, Sec. 1.

An act authorizing municipalities, counties and school districts to lease lands belonging to the state of New Mexico, and empowering the commissioner of public lands to enter into leases upon said lands with said municipalities, counties or school districts. (Approved March 11, 1929.

Counties and school districts may lease. Any county or school district within the state of New Mexico which may have use for any state lands for any purpose incidental to the powers of said county or school district, shall have the right and power to lease said lands or so much thereof as may be reasonably necessary for such purpose or purposes from the commissioner of public lands is hereby authorized and empowered to enter into such a lease for a term not exceeding twenty-five years upon such reasonable terms and conditions as may be prescribed by the commissioner of public lands. (L. '29, Ch. 53, Sec. 2.

Preference right to lease. Any such municipality, county or school district, shall at all times have a preference right to lease said state lands, and the commissioner of public lands shall prefer the application of said municipality, county or school district over any other application for lease upon the same land, Provided, nevertheless, that before any such lease is grnated the lessee shall be required

to pay the reasonable value of any improvements placed upon said state lands by a former lessee for the use of the owner of said improvements. (L. '29, Ch. 53, Sec. 3.

ORGANIC ACT.

Sec. 15. And be it further enacted, That when the lands in said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby reserved for the purpose of being applied to schools in said territory, and in the states and territories hereafter to be erected out of the same.

ENABLING ACT .

Sec. 6. That in addition to sections sixteen and thirty-six, heretofore granted to the territory of New Mexico, sections two and thirty-two in every township in said proposed state not otherwise appropriated at the date of the passage of this act are hereby granted to the said state for the support of common schools; and where sections two, sixteen, thirty-two, and thirty-six, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated or reserved by or under the authority of any act of congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the revised states are hereby made applicable thereto and to the seclection of lands in lieu thereof to the same extent as if sections two and thirty-two, as well as sections sixteen and thirty-six, were mentioned therein: Provided, however, That the area of indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing seventeen thousand two hundred and eighty acres or more, three sections for such townships containing eleven thousand five hundred and twenty acres or more, two sections for such townships containing five thousand seven hundred and sixty acres or more, not one section for such township containing six hundred and forty acres or more: And provided further, That the grants of sections two, sixteen, thirty-two, and thirty-six to said state, within national forests now existing or proclaimed, shall not vest the title to said sections in said state until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the treasury to the state, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said state as the area of lands hereby granted to said state for school purposes which are situated within said forest reserves, whether surveyed or unsurveyed, and for which

no indemnity has been selected, may bear to the total area of all the national forests within said state, the area of said sections when unsurveyed to be determined by the secretary of the interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the treasury not otherwise appropriated.

Sections 6 to 11 construed and held to operate as a present grant to the state of school sections, subject only to identification by survey, whereupon title vested in the state as of the date of the enabling act. Dallas v. Swigart, 24 N. M. 1, 172, P. 416.

Cited in State v. Llewellyn, 23 N. M. 413, 167 P. 414; Makemson v. Dillon, 24 N. M. 302, 171 P. 673; Neel v. Barker, 27 N. M. 605, 204 P. 205.

Sec. 7. That in lieu of the grant of land for purposes of internal improvements made to new states by the eighth section of the act of September fourth, eighteen hundred and forty-one, and in lieu of the swamp-land grant made by the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the revised statutes, and in lieu of the grant of thirty thousand acres for each senator and representative in congress, made by the act of July second, eighteen hundred and sixty-two, twelfth statutes at large, page five hundred and three, which grants are hereby declared not to extend to the said state, and in lieu of the grant of saline lands heretofore made to the territory of New Mexico for university purposes by section three of the act of June twenty-first, eighteen hundred and ninety-eight, which is hereby repealed, except to the extent of such approved selections of such saline lands as may have been made by said territory prior to the passage of this act, the following grants of land are hereby made, to-wit:

For university purposes, two hundred thousand acres; for legislative, executive, and judicial public buildings heretofore erected in said territory or to be hereafter erected in the proposed state, and for the payment of the bonds heretofore or hereafter issued therefor, one hundred thousand acres; for insane asylums, one hundred thousand acres; for penitentiaries, one hundred thousand acres; for schools and asylums for the deaf, dumb, and the blind, one hundred thousand acres; for miners' hospitals for disabled miners, fifty thousand acres; for normal schools, two hundred thousand acres; for state charitable, penal,

and reformatory institutions, one hundred thousand acres; for agricultural and mechanical colleges, one hundred and fifty thousand acres; and the national appropriation heretofore annually paid for the agricultural and mechanical college to said territory shall, until further order of congress, continue to be paid to said state for the use of said institution; for school of mines, one hundred and fifty thousand acres; for military institutes, one hundred thousand acres; and for the payment of the bonds and accrued interest thereon issued by Grant and Santa Fe counties, New Mexico, which said bonds were validated, approved, and confirmed by act of congress of January sixteenth, eighteen hundred and ninety-seven (twenty-ninth statutes, page four hundred and eighty-seven), one million acres: Provided, That if there shall remain any of the one million acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said debts, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said state, the income therefrom only to be used for the maintenance of the common schools of said state.

Cited in holding chapter 6, laws 1921 unconstitutional. Bryant v. Loan Commissioners, 28 N. M. 319, 211 P. 597.

Oil royalties derived from lands originally granted to the territory of New Mexico by the so-called Ferguson Act (30 Stat. 484), and confirmed to the state by the enabling act, are a part of the permanent funds of the University of New Mexico, and the income therefrom only can be used for current income for the institution. Regents of University v. Graham, 264 P. 953.

Cited in State v. Llewellyn, 23 N. M. 413, 167 P. 414; Dallas v. Swigart, 24 N. M. 1, 172 P. 416; Neel v. Barker, 27 N. M. 605, 204 P. 205.

Sec. 8. That the schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said state, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denomination school, college, or university.

Cited in Neel v. Barker, 27 N. M. 605, 204 P. 205

Oil royalties derived from lands originally granted to the territory of New Mexico by the so-called Ferguson

Act (30 Stat. 484), and confirmed to the state by the enabling act, are a part of the permanent funds of the University of New Mexico, and the income therefrom only can be used for current income for the institution. Regents of University v. Graham, 264 P. 953.

Sec. 9. The five per centum of the proceeds of sales of public lands lying within said state, which shall be sold by the United States subsequent to the admission of said state into the union, after deducting all the expenses incident to such sales, shall be paid to the said state bo be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said state.

Cited in Neel v. Barker, 27 N. M. 605, 204 P. 205.

Oil royalties derived from lands originally granted to the territory of New Mexico by the so-called Ferguson Act (30 Stat. 484), and confirmed to the state by the enabling act, are a part of the permanent funds of the University of New Mexico, and the income therefrom only can be used for current income for the institution. Regents of University v. Graham, 264 P. 953.

Thesis Accepted

B. F. Haught
Chairman of Committee on
Graduate Instruction

L. P. Fanninga
Major Professor

L. C. Jauncey
Minor Professor

W. L. Shelton
Librarian