

tition. Proof of such notice shall be made by affidavit of the person posting the same.

Sec. 3. That section 1167, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1167. **View and report**—At the time and place designated said committee shall meet and examine the road or roads proposed to be established, altered, or vacated, and in such examination they may employ a surveyor. After such examination, they shall report to the board at its next session, setting forth, if a new road or roads or any alteration or alterations be proposed, the courses and distances thereof, and recommending the granting or rejection of the petition.

Sec. 4. That section 1168, Revised Laws of Minnesota, 1905, be amended so as to read as follows:

1168. **Hearing—Damages—Determination**—At the time and place designated, said board shall hear all parties interested, as to the necessity for, and as to the amount of damages to land owners by reason of such establishment, alteration or vacation, and may adjourn such hearing from time to time, if necessary. It shall determine the damages which will be sustained by the several owners through whose land such road or roads may pass, assessing each parcel separately. If the board determine that the same is necessary and of sufficient advantage to warrant the payment of the damages assessed, it shall declare the road or roads established, altered or vacated in accordance with the petition. Otherwise it shall declare the petition dismissed. If the petition be granted, the board shall direct the auditor to notify the boards of the several towns affected thereby, who shall carry out its determination with respect to that part of the road or roads within their respective towns. All damages resulting from the establishment, alteration, or vacation of any county road or roads shall be paid by the county.

Sec. 5. This act to take effect and be in force from and after its passage.

Approved April 22, 1909.

CHAPTER 395—S. F. No. 763.

An Act prohibiting the payment of additional compensation to officers and employes of the state out of the contingent fund in certain cases, and providing a penalty for the violation of this act.

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

Payment out of contingent funds prohibited.—Section 1. In all cases where the compensation of an officer of the state is fixed by law at a specified sum, it shall be unlawful for any such offi-

cer or employe to receive additional compensation for the performance of his official services out of the contingent fund of said officer or said department, and it shall be unlawful for the head of any department of the state government to direct the payment of such additional compensation out of the contingent fund, and the state auditor is hereby prohibited from issuing his warrant upon such contingent fund in payment of such additional compensation.

Violation a misdemeanor.—Sec. 2. Every person offending against the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not exceeding \$100.00 or imprisonment in the county jail for not exceeding ninety days.

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

Approved April 22, 1909.

CHAPTER 396—S. F. No. 801.

An Act to amend chapter 407, General Laws 1907, relating to the attendance upon school of deaf and dumb children and youth.

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

Dumb or defective of speech ward to be sent to school for deaf.—Section 1. That section one of chapter 407 of the General Laws, 1907, be and the same is hereby amended to read as follows :

“That chapter 26 of the Revised Laws of 1905 be and the same is hereby amended by adding thereto a further section to be known as ‘Section 1937-A,’ and which said section shall read as follows :

“Every parent, guardian or other person having control of any normal child between eight and twenty years of age, too deaf or too dumb or defective of speech to be materially benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the school for the deaf at the city of Faribault, Minnesota, during the scholastic year of that school. Such child or youth shall attend such school, year after year, until discharged by the superintendent upon approval of the board in control of such institution.

Excusing attendance. Such board may excuse attendance when satisfied :

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.