

GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED AT THE FOURTH SESSION

OF THE

STATE LEGISLATURE.

BOISE, IDAHO.
SENTINEL PRINTING COMPANY, LTD.
1897.

overseer, furnish a good and sufficient bond in the sum of three hundred dollars, in favor of the county, and approved by the Board of County Commissioners, and the said overseer, when such bond is approved, shall, further, before entering upon his duties, take and subscribe to the usual oath of office.

SEC. 5. In case of vacancy or of failure to elect such road overseer, the Board of County Commissioners shall upon petition, appoint an overseer, who shall serve for the unexpired term. But for cause of neglect of duty, or for neglecting to care for tools, or machinery, belonging to the district, or upon a petition from said district, the Board of Commissioners may declare such office vacant, and the electors of said district shall elect another overseer as provided for in this act.

SEC. 6. All acts and parts of acts in conflict with this act, are hereby repealed.

Approved March 12, 1897.

S. B. No. 9.

COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT

TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION, AND PRESCRIBING THE DUTIES OF THE SAME.

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

SECTION 1. At the next ensuing general election after the passage of this act, there shall be elected in each county in the State of Idaho, a Superintendent of Public Instruction, who shall reside at the county seat of the county in which he is elected, and who shall hold his office for a term of two years, from and after his taking charge of the same and until his successor has been elected any qualified.

SEC. 2. Before entering upon the duties of his office the County Superintendent of Public Instruction shall take and subscribe the oath prescribed by law and execute a bond, payable to the State of Idaho, with two or more sureties to be approved by the Board of County Commissioners, in the penal sum of not less than two thousand dollars, conditioned upon the faithful performance of his official

duties, and the delivery of all moneys and property received by him as such Superintendent to his successor in office, which bond shall be filed in the office of the County Recorder; which official bond together with his official oath, shall be filed in the office of the County Recorder as aforesaid, not later than the second Monday in January, next after election: *Provided*, That no person shall be eligible to the office of County Superintendent of Public Instruction except a practical teacher of not less than two years experience and the holder of a valid first grade certificate, at the time of his election or appointment.

SEC. 3. The County Superintendent of Public Instruction shall have charge and oversight of the public schools of his county, and it shall be his duty to visit every public school in his county at least once during each term and remain at said public school at least one-half day; at such visits he shall carefully observe the methods employed by the teacher in giving instruction in the several branches taught; the manner of discipline and government, the classification of the pupils, and general management of the school, and shall give the school such instruction and encouragement as he deems for the best interests of all concerned, and he shall make such suggestions to the teacher in private as, in his judgment, will render the said teacher more efficient, and promote the general educational interests of the district.

SEC. 4. The County Commissioners shall furnish the County Superintendent of Public Instruction an office in the county seat, and they shall furnish him with all necessary office furniture, including seal and blank books, stationery, postage, expressage, all blanks necessary for his office, and all blank books and blanks necessary for the use of the trustees and teachers in the discharge of their respective official duties within his county. The County Superintendent of Public Instruction shall designate certain days in each month as his office days, which shall not be less than five in any month, and upon these days so designated by him, he shall keep his office open from 9 o'clock A. M. until 5 o'clock P. M.

SEC. 5. He may, in his discretion, require the trustees in any district to repair the school buildings or property, or to abate any nuisance in and about the premises, if such repair or abatement can be done for a sum not to exceed seventy-five dollars; *Provided*, There is a sufficient amount of money in the treasury to the credit of the district. He may also in all cases, require the trustees to provide suitable outhouses; and in case the trustees fail to make such provision within a reasonable time, he may cause it to be done, and draw an order for a warrant, as hereinafter provided, upon the County Auditor for said expenses, who shall draw his warrant payable out of any money to the credit of such district.

SEC. 6. He shall keep a complete record of all his official acts; preserve all blanks, maps, charts and apparatus, sent him as such officer, and file all papers, reports and statements from teachers and school boards; keep a register of all teachers employed in his county, giving name of teacher, number of district, salary per month, grade of certificate and date of Superintendent's visit. He shall obey the legal instructions of the State Superintendent.

SEC. 7. He shall hold one regular public examination in each year for the purpose of examining all persons who may offer themselves as teachers in the public schools; said examination to be held in some suitable room at the county seat, and commencing on the fourth Thursday of August and continuing not to exceed three days. And for a like purpose the said County Superintendent shall hold not to exceed three special examinations at such times and places, as in his judgment the interests of the schools and teachers of the county shall require; *Provided*, That it shall be the duty of the County Superintendent to give at least fifteen days notice of such regular and special public examinations in some newspaper published in the county.

SEC. 8. He shall grant certificates to teachers in such form as the State Superintendent of Public Instruction shall prescribe, and to those persons only who shall have attained the age of eighteen years,

who have [attended] the said public examination and shall be found to possess good moral character, thorough scholarship, and the ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, arithmetic, geography, history of the United States, civil government, physiology and hygiene, with particular reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, theory and practice of teaching, State constitution, and so much of the general school law as relates to the duties and responsibilities of teaching. All certificates shall be signed by the County Superintendent, and no person shall be considered a qualified teacher within the meaning of the school law, who has not a certificate granted by the said Superintendent or other lawful authority; *Provided*, That all examination questions shall have been prepared as prescribed by law, furnished under seal and opened before the applicants for certificates on the day of examination; *Provided*, That first grade certificates shall be granted to all applicants who are otherwise qualified according to law, and who shall have passed all the branches required in this section, and algebra in addition thereto, with a general average of not less than ninety per cent; and with a minimum of not less than seventy-five per cent in any branch, and all applicants who are otherwise qualified according to law, shall be granted second grade certificates who shall have attained a general average of eighty per cent, and a minimum in any branch of not less than seventy per cent, and third grade certificates shall be granted to all applicants who are otherwise qualified according to law, who shall have attained a general average of seventy-five per cent, and a minimum in any branch of not less than sixty per cent. *Provided, further*, That each applicant for teacher's certificate under the provisions of this act shall pay the County Superintendent the sum of one dollar, the same to be deposited by him in the county treasury to the credit of the institute fund,

to be used in institute work in addition to the regular appropriation.

SEC. 9. The certificates issued by the County Superintendent, subject to the rules and regulations prescribed by the State Superintendent, shall be of three grades: (1). First grades, which shall be valid in the county in which they are issued for a term of three years from the date thereof unless sooner revoked, and they shall be good in any county in the State for the same period by the holder thereof filing a certified copy of the same with the County Superintendent in the county in which he desires to teach. (2). Second grade certificates, which shall entitle the holder to teach in the county in and for which they are issued, for a term of two years. (3). Third grades, which shall be valid in the county where issued for a term of one year.

SEC. 10. The County Superintendent of Public Instruction shall have power to revoke any teacher's certificate, other than those granted by the State Superintendent, for neglect of duty, for incompetency to instruct and govern a school, for immorality or for any cause or disqualification which would have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time of its issue; *Provided*, That no certificate shall be revoked or annulled without a personal hearing, unless the holder thereof, shall, after reasonable notice, neglect or refuse to appear before the Superintendent for that purpose.

SEC. 11. He shall keep a record of all certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade and duration of each certificate, and if revoked, date and reason therefor.

SEC. 12. He shall, on or before the first day of October in each year, make and transmit an annual report to the State Superintendent for the school year ending August 31st, next preceding, which report shall contain an abstract of all reports made to him by the district clerks of the several districts of the county, together with such statistics, items and statements, relative to the schools of the county, as may be

required and prescribed by the State Superintendent. Such reports shall be made upon and conform to the blanks furnished by the State Superintendent for that purpose. He shall inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the Clerk of the Board of County Commissioners, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall report such fact to the Board of County Commissioners at their regular meeting in July, and such board shall immediately take such steps as are necessary to change, harmonize and clearly define them. The County Superintendent, if he deem it necessary for the guidance of school census marshals, may order the description of the district boundaries printed in pamphlet form, to be paid out of current expense fund of the county.

SEC. 13. The County Superintendent shall appoint trustees for all newly organized school districts who shall serve until the next regular election, fill all vacancies that may occur in the board of trustees by reason of death, resignation or otherwise, and such appointment shall hold until the next regular election.

SEC. 14. The County Superintendent shall be allowed all necessary expenses incurred in the examination of teachers, for blanks, books, stationery, pens and ink, out of the current expense fund of the county.

SEC. 15. The County Superintendent shall require of the County Treasurer quarterly each year, a report of the amount of money on hand to the credit of the school fund of each county, not already apportioned, and the County Treasurer shall furnish such report when so required. The County Superintendent upon receiving such report shall proceed to apportion the public school moneys, both county and State, reported by the County Treasurer, to be in the county treasury, among the several school districts in the following manner, to wit: One-third of the whole amount he shall divide equally among the several districts that have complied with the provisions of this act. The

remaining two-thirds of said whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal of each district, and credit each district with the amount to which apportionment entitles; *Provided*, That each district is entitled to one share in the apportionment of the first one-third, regardless of the number of children therein. Immediately after such apportionment he shall certify to the County Treasurer the amounts which are to be placed to the credit of each district and notify the clerk of each district of the amount placed to the credit of his district.

SEC. 16. If the County Superintendent fails to make a full and correct report to the State Superintendent of Public Instruction of all statements required by law to be made, he forfeits the sum of one hundred dollars from any moneys due him from the county, and the Board of County Commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the State Superintendent of Public Instruction, that such reports have not been made.

SEC. 17. No certificate shall be granted or teacher employed in any of the public schools of this State to any person not a citizen of the United States.

SEC. 18. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1897.

H. B. No. 169.

CITY OF BOISE—FOR THE GOVERNMENT THEREOF.

AN ACT

TO AMEND SECTIONS 3, 5 AND 11, OF AN ACT INCORPORATING THE CITY OF BOISE, APPROVED JANUARY 11, 1866, BEING SECTIONS 130, 132 AND 138 OF THE SPECIAL AND LOCAL LAWS OF IDAHO.

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

SECTION 1. Section 3 of said act is hereby amended to read as follows: For the government of said city there shall be elected biennially a mayor, a common council consisting of three members from each ward, a city clerk, a tax collector, a treasurer, a city attorney

and an Assessor. The mayor and common council shall appoint a police magistrate, a chief of police, a street commissioner, a city engineer and such other officers as they shall think necessary, and shall define their duties and fix their compensation; and may remove any appointed officer from office for any cause in their judgment sufficient. The mayor and common council shall receive no compensation. The mayor shall preside at all meetings of the council, and shall have the casting vote in case of a tie vote upon the election of officers, or upon any other question; all ordinances shall be presented to him, and if he approve, he shall sign the same, but if he do not approve, he shall return the same with his objections to the council, or file the same with the city clerk, within three days, after which the same shall not become a law unless passed by an affirmative vote of two-thirds of the entire council. Ordinances passed by the council but not approved by the mayor shall be in full force and effect if they be not returned to the council, or filed with the clerk within three days, as above provided. "The boundaries of the three wards of said city shall be the same as are the present voting precincts of said city for general election purposes within said city, and the same are hereby made and declared to be the wards of Boise City for municipal purposes and each of said wards shall elect by the votes of its own legal voters, all members of the common council to which it shall be entitled."

SEC. 2. Section 5 of said act is hereby amended to read as follows: The mayor and common council shall have full power and authority within Boise City:

First. To assess, levy and collect taxes for general municipal purposes not to exceed one-half of one per centum per annum upon all property, both real and personal, which is taxable by law for State or county purposes.

Second. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, pawnbrokers, wash-houses, and occupations offensive to the senses or noxious to health.

Third. To license, tax and regulate hacks, cabs,

hackneys, carriages, wagons, carts, drays, or other vehicles, and to fix the rates thereof.

Fourth. To regulate and restrain, in their discretion, upon special application, to license and tax the sale of liquors in less quantities than one quart, bar rooms, liquor saloons, drinking shops, theatrical and other exhibitions, shows, public amusements, billiard tables, bowling alleys, gaming and gambling houses, and to require bonds with sureties from the proprietors of the same, conditioned not to keep, allow or permit a disorderly house: and to cancel and revoke every such license, in their discretion; *Provided*, That no State or county license shall authorize any person to engage in or conduct any business or thing in this or the two preceding subdivisions enumerated, within said Boise City, unless a license is first obtained from said city council, and the council may provide a penalty therefor.

Fifth. To suppress, or in their discretion, to license and regulate bawdy houses and houses of ill fame and the keepers and occupants thereof in said city, or in any part of said city.

Sixth. To suppress opium dens, and any house or place kept or used as a resort for the purpose of smoking opium, and to provide by ordinance for the punishment of any person or persons who shall set up, open, or caused to be opened, or keep any house or place as a resort for the purpose of smoking opium, or who shall vend, or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house or place, to be smoked upon the premises, or who shall be found in any house or place kept or used as a resort for the purpose of smoking opium, or who shall smoke opium in any house not the dwelling house of such person or persons.

Seventh. To make regulations to prevent the introduction of contagious diseases in the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property

therein, and to provide for the health, cleanliness, ornament, peace and good order of the city.

Eighth. To prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances; and to provide for the removal or abatement by the officers of the city at the cost of the person responsible for or causing or permitting the same to continue on the premises, which such cost may be recovered in an action against such person in any court of competent jurisdiction. For the preservation of the health of the inhabitants of the city, said city council is empowered to abate any nuisance within two miles of the limits of said city, by or because of which the water flowing in any river, creek, ditch or canal running through or into the city, is contaminated and liable to endanger the health of said inhabitants; and in case of such nuisances said council shall have the same powers as if such nuisances existed within the corporate limits of said city.

Ninth. To provide the city with good and wholesome water, by contract or otherwise and for the erection or construction of such water works and reservoirs within or without the limits of the city, as may be necessary or convenient therefor.

Tenth. To provide for lighting the streets, and furnishing the city with gas or other light, and for the erection or construction of such works as may be necessary or convenient therefor.

Eleventh. To provide for the support, restraint and employment of vagrants and paupers.

Twelfth. To provide for the prevention and extinguishment of fires and the preservation of property endangered thereby; to establish, alter and change fire limits, and to regulate the erection of buildings and improvements within such fire limits, and the materials to be used therefor; to control and regulate the fire department, and to provide by ordinance for the officers thereof, and the election of unpaid officers by the members of such fire department, and to define

the duties of paid officers, and to remove them from office for good cause shown.

Thirteenth. To determine and regulate the number of day and night police, or either of them; to provide for paying the same, and to regulate and fix the compensation of the policemen, the keeper of the city prison and of the house of correction.

Fourteenth. To provide for the prevention and removal of encroachments and obstructions of, in or upon streets, alleys, sidewalks, avenues, lanes or other highways of the city; also for the sprinkling, cleaning and repairing of the same at the cost of owners of abutting property.

Fifteenth. To establish a public pound, and to restrain and regulate the running at large of cattle, horses, swine, sheep, dogs and other animals, within the limits of the corporation; and to authorize and regulate, by ordinance, distraining, impounding, and sale of the same, for the penalty imposed and the costs of the proceedings; and to authorize the destruction of dogs when at large, contrary to any prohibition of any such ordinance.

Sixteenth. To provide for the establishment of market houses and places, and to regulate the location and management of market houses and places, and to regulate the location and management of slaughter houses, and in their discretion, to prohibit slaughter houses within the limits of said city.

Seventeenth. To provide for the erection of a city jail, house of correction, and work house, and for the government and management of the same.

Eighteenth. To regulate the storage and sale of gun powder, or other combustible material, and to prevent by all possible and proper means, danger or risk of injury or damage by fire arising from carelessness, negligence or otherwise.

Nineteenth. To restrain and punish any disturbance, or any unlawful or indecent practice.

Twentieth. To establish and regulate the fees and compensation of all officers of this municipal corporation, except when otherwise provided.

Twenty-first. To provide for the punishment of a