

THE
GENERAL STATUTES OF KANSAS.

Being a Compilation of all the Laws of a General Nature,

BASED UPON THE

General Statutes of 1868,

(Embracing all of said Statutes still in Force,)

TOGETHER WITH SUBSEQUENT ENACTMENTS, INCLUDING THE SESSION LAWS
OF 1876,

WITH NOTES AND REFERENCES TO DECISIONS.

BY C. F. W. DASSLER,
OF THE LEAVENWORTH BAR.

IN TWO VOLUMES.

VOL. I.

CONTAINING SECTIONS 1-3220; CHAPTERS 1-79; ADMISSION—POOR.

CONTAINING THE
CONSTITUTION OF KANSAS

THE CONSTITUTION OF KANSAS,

Thoroughly Annotated by J. D. SHAFER, Esq., of the Leavenworth Bar.

ALSO AN ADDENDA

Containing the Declaration of Independence and Constitution of the U. S.

W. J. GILBERT,
PUBLISHER OF LAW BOOKS AND LEGAL BLANKS.
ST. LOUIS, MO., 1876.

AN ACT TO LOCATE AND ESTABLISH A COLLEGE FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

[Took effect February 19, 1863.]

(8) § **3. Preamble.**] WHEREAS, The Congress of the United States, by an act approved July 2d, 1862, and entitled "An act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts," granted to the State of Kansas, upon certain conditions, ninety thousand acres of public lands for the endowment, support and maintenance of a college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life; and

WHEREAS, The State of Kansas, by its Legislature, has expressed its acceptance of the benefits of the said act of congress, and has agreed to fulfill the conditions therein contained; therefore,

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

(9) § **4. Where located.**] § 1. That the college, in the foregoing preamble mentioned, be and the same is hereby permanently located at and upon a certain tract of land, situated and being in the county of Riley and State aforesaid, and bounded and described as follows: Commencing at a point forty rods east of the northeast corner of the southwest quarter of section number twelve, in township number ten, south, and range number seven, east of the sixth principal meridian; thence running south, parallel to the east line of said quarter-section, eighty rods; thence west two hundred rods, more or less, to the west line of said quarter-section; thence north, on the west line of said quarter-section, eighty rods, to the north line of said quarter-section; thence east two hundred rods, on the north line of said quarter-section, to the point of beginning, containing one hundred acres: *Provided, however,* That the location of said college, as aforesaid, is upon this express condition: that the Bluemont central college association, in whom the title to said land is now vested, shall, within six months from and after the approval of the governor hereto, cede to the State of Kansas, in fee simple, the real estate above described, together with all buildings and appurtenances thereunto belonging; and shall, within such time, transfer and deliver to said State, the apparatus and library belonging to said Bluemont central college association.

(10) § **5. Title papers to be received by governor.**] § 2. The governor of the State is hereby authorized to receive the title papers by which the foregoing mentioned property may be transferred to the State, and to cause the same to be duly recorded in the proper office, and to be deposited in the office of the Auditor of State. [Published in the "Daily State Record," February 18th and 19th, 1863.]

AN ACT FOR THE GOVERNMENT OF THE KANSAS STATE AGRICULTURAL COLLEGE FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

[Took effect March 11, 1863.]

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

(11) § **6. Name.**] § 1. The college for the benefit of agriculture and the mechanic arts, which was located by an act of the legislature of the State of Kansas, entitled "An act to locate and establish a college for the benefit of agriculture and the mechanic arts," approved February 16th, 1863, shall be known as the Kansas State Agricultural College.

(12) § 7. **Officers.]** § 2. The government of such college is vested in a board of regents, to consist of the governor, secretary of State, superintendent of public instruction and the president of the college, *ex officio*, and nine others, who shall be appointed by the governor and confirmed by the senate: *Provided*, That not more than three of those selected shall be members of the same religious denomination. Three of those appointed shall hold their office until the second Monday in January, A. D. 1865, and three until 1867, and three until 1869; and their several successors shall hold their office for the term of six years.

(13) § 8. **Board of regents to be a body corporate.]** § 3. The board of regents shall constitute the body corporate, with the right as such to sue and be sued, to use a common seal and alter the same at pleasure.

(14) § 9. **May enact ordinances, by-laws, etc.]** § 4. The regents shall have power to enact ordinances, by-laws and regulations for the government of said college, to elect a president, to fix, increase and diminish the regular number of professors and teachers, and to appoint the same and to determine the amount of their salaries. They shall have power to remove the president and any professor or teacher, whenever the interest of the college shall require.

(15) § 10. **College shall consist of four departments.]** § 5. The college shall consist of four departments: 1st. The department of agriculture. 2d. Mechanic arts. 3d. Military science and tactics. 4th. Literature and science.

(16) § 11. **Government of departments.]** § 6. The immediate government of the several departments shall be intrusted to the president and the respective professors and teachers, but the regents shall have power to regulate the course of instruction, and to prescribe, under the advice of the faculty, the books and authorities to be used in the several departments; also, to confer such degrees and grant such diplomas as are conferred by institutions of the highest grade.

(17) § 12. **Open to all persons.]** § 7. The college shall be opened to all persons, under such regulations as may be prescribed by the regents: *Provided*, That no student shall be refused admittance to this college simply because he has been expelled from some other college.

(18) § 13. **Annual exhibit by board of regents.]** § 8. The board of regents shall make an exhibit of the affairs of the college, in each year, to the superintendent of public instruction, setting forth the condition of the college, the amount of receipts and expenditures, the number of professors and teachers and other officers, and the compensation of each; the number of students in the several departments and in the different classes, the books of instruction used, an estimate of the expenses of the ensuing year, a full transcript of the journal of the proceedings for the year, together with such other information and suggestions as they may deem important, or the superintendent of public instruction may require to embrace in his report, which shall be reported by the superintendent of public instruction to the legislature, in his annual report.

(19) § 14. **Report of regents.]** § 9. The board of regents shall report annually the progress of said college, recording any improvements and experiments made, with their cost and results, and such other matters, including State and industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail, free, to all the other colleges which may be endowed under the provisions of the act of congress, entitled "An act donating public lands to the several States which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862, and, also, one copy to the secretary of the interior.

(20) § 15. **Board of visitors.]** § 10. A board of visitors, to consist of three persons, shall be appointed by the governor, to hold their offices severally for one, two and three years, but their successors shall hold their office for three years. It shall be their duty to make a personal examination into the state and condition of the college, in all its departments and branches, once at least in each year, and report the result to the superintendent of public instruction, sug-

gesting such improvements as they may deem important, which report shall be embodied in the report of the superintendent.

(21) § **16. Secretary, librarian, treasurer, etc.]** § 11. The regents shall have power to appoint a secretary, librarian, treasurer, and such other officers as the interests of the college may require; who shall hold their office at the pleasure of the board, and shall receive such compensation as the board may prescribe.

(22) § **17. Further powers of regents.]** § 12. The board of regents shall have the general supervision of the college, and the direction and control of all expenditures.

(23) § **18. Duties of regents.]** § 13. It shall be the duty of the board of regents, at their earliest convenience, to secure a collection of specimens in mineralogy, geology, zoology, botany, and other specimens pertaining to natural history; and, whenever a geological survey of the State may be made, a complete set of specimens collected shall be deposited in the cabinet of the college. The said board shall make provision for increasing and preserving the library and apparatus belonging to the said college, and the apparatus and library that may be transferred to the State by the Bluemont central college association.

(24) § **19. First meeting of regents.]** § 14. The first meeting of the board of regents shall be called, by the superintendent of public instruction, as soon as may be after the fulfillment, by the Bluemont central college association, of an act entitled "An act to locate and establish a college for the benefit of agriculture and the mechanic arts," approved February 16th, 1863; but all succeeding meetings shall be called in such manner as the said board may prescribe, and shall be held at the college building, and at least once annually.

(25) § **20. Quorum of board.]** § 15. A majority of the board of regents shall constitute a quorum to do business.

(26) § **21. Lands; used for what purpose.]** § 16. The ninety thousand acres of land granted to the State of Kansas by congress, to endow a college for the benefit of agriculture and the mechanic arts, shall be used solely for the endowment of said Kansas State Agricultural College and for no other purpose whatever, and the interest on the fund arising from the sale of said lands shall be used as the board of regents may determine, for the maintenance, support and development of the said agricultural college; but the principal or the moneys arising from the sale of said lands, shall be invested according to law, and shall constitute a fund to remain forever undiminished. [L. 1871, ch. 13, § 1.]

(27) § **22. Act, when takes effect.]** § 17. This act shall take effect and be in force from and after its publication, once, in some paper published at the capital. Approved, March 3, 1863. [Published in the "State Record," March 11th, 1863.]

AN ACT FOR THE SALE OF LANDS BELONGING TO THE STATE AGRICULTURAL COLLEGE.

[Took effect January, 1866.]

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

(28) § **23. Regents to sell lands.]** § 1. The board of regents of the State agricultural college are hereby authorized and directed to sell, as soon as practicable, and in the manner hereinafter provided, the public lands granted by act of congress, approved July 2d, A. D. 1862, to the State of Kansas, for the benefit of agriculture and the mechanic arts.

(29) § **24. Price and terms of sale, appointment of agent to sell.]** § 2. The said board of regents shall sell any portion of lands mentioned in the preceding section, at a price not less than three dollars (\$3.00) per acre, for cash at the time of sale, or upon the following conditions of credit, when

deemed by them most conducive to the interest of said college, to wit: in eight equal annual installments, with ten per centum interest on each installment, payable annually. The first installment to be paid at the date of purchase. The said board of regents are hereby authorized and directed to employ an agent or agents, to sell said lands, and his rate of compensation, with other expenses of sale, shall not exceed three per centum upon the amount received from the sale of said lands; and he shall also have power to execute to the purchaser, in the name of the State of Kansas, all receipts for purchase money, and title bonds necessary to be given in the sale of said lands: *Provided*, That on all timbered lands, half of the purchase money shall be paid in advance; and, also, that a purchaser may at any time pay all arrearages and receive his patent: *Provided, however*, That all expenses of management and superintendence of said lands, and all the expenses attending the sale thereof and the investment of the proceeds which may be received therefrom, shall be paid by the State; and the auditor of State is hereby authorized to audit all expenses provided for in this act.

(30) § 25. **Agent to give bond.**] § 3. The said agent or agents shall, before he or they enter upon the duties of the office, execute to the State of Kansas a bond in the sum of forty thousand dollars; said bond to be approved by the governor and filed in the office of the secretary of State.

(31) § 26. **Receipts and patents to purchasers.**] § 4. The president and secretary of the board of regents, or their agents, shall give receipts to the purchaser of said lands, for the payment of all installments and interest due thereon; and when the last installment upon any one purchase has been paid, the purchaser, his heirs or assigns, shall be entitled to a patent for the land so purchased, from the governor, under the great seal of the State, which patent shall confer upon the grantee a title in fee simple for the lands described in said patent.

(32) § 27. **Proceeds of sale to be paid into college treasury.**] § 5. The amount derived from the sale of said lands, shall at the end of each month be, by said agent, paid into the treasury of the said agricultural college, to be invested as the board of regents may direct, in school district on [or] State bonds, or by note and mortgage on unincumbered real estate worth double the amount loaned thereon. [L. 1871, ch. 13, § 2.]

(33) § 28. **Loan commissioner, his duties, etc.**] § 3. The board of regents shall appoint a loan commissioner, whose duties shall be to make all loans or investments of the funds belonging to the said agricultural college, as directed in the preceding section. The board of regents shall adopt rules and regulations prescribing the manner in which all loans and investments shall be made by the said loan commissioner. They shall require him to keep an accurate account in a book kept for that purpose, of all loans or investments. He shall draw his warrant upon the treasurer for such sums as he may loan or invest, specifying in the warrant to whom the same is loaned, or in what manner invested. He shall draw no warrants except for loans or investments, and separate warrants shall be drawn for each and every loan or investment. He shall transmit or deliver to the treasurer, all notes, mortgages, bonds, or other evidences of indebtedness by him received for loans or investments. He shall make no loans or investments until the application has been approved by the executive committee of the board of regents. All loans or investments shall be made in the name of the Kansas State Agricultural College. All loans shall be made at twelve per cent. interest, payable annually in advance, and the expense of all papers, abstracts of title, and record of mortgages, shall be paid by the mortgagor. All mortgages shall be conditioned that in case of foreclosure, all attorney's fees, expenses, and damages incurred thereby, shall be paid by the mortgagor. [L. 1871, ch. 13, § 3.]

(34) § 29. **State treasurer to transfer, etc.**] § 4. The State treasurer is authorized and directed to deliver to the treasurer of the said agricultural college upon the order of its board of regents, all moneys, bonds, or other evidences of indebtedness belonging to the said agricultural college. [L. 1871, ch. 13, § 4.]

(35) § 30. **Treasurer of college to give bond ; his duties, etc.]** § 5. The treasurer of the said agricultural college shall, before he receives from the board of regents the order for the funds in the hands of the State treasurer, execute and give a bond, with five or more securities, to be approved by the board of regents, in double the amount of the funds of the said agricultural college, as near as the same can be ascertained, which will come into his hands as treasurer during his term of office, payable to the Kansas State Agricultural College, and conditioned for the faithful discharge of his duties as treasurer of the said college. He shall keep an accurate account, in a book to be kept for that purpose, of all moneys, notes, bonds or other evidences of indebtedness, coming into his hands as treasurer, and shall keep a separate account of the endowment and interest funds ; he shall pay out no moneys, except upon the order of the board of regents or the loan commissioner. [L. 1871, ch. 13, § 5.]

(36) § 31. **Board of regents may dispose of bonds.]** § 6. The board of regents may, if they deem it for the interest of the said agricultural college, direct the treasurer to sell or dispose of any or all bonds or other evidences of indebtedness belonging to the said college, on such terms as they may prescribe, and the loan commissioner shall, under their direction, re-invest the proceeds [as] provided in section two* of this act. [L. 1871, ch. 13, § 6.]

*Section 27 of this chapter.

(37) § 32. **Purchasers forfeit lands, when.]** § 7. Any person failing to pay the purchase money for any of the lands purchased from the Kansas State Agricultural College, or any installment of the same, shall forfeit all right to the land from the time of such failure of payment, and the board of regents shall proceed to eject such person from said land, if in possession. [L. 1871, ch. 13, § 7.]

(38) § 33. **Bonds to be issued.]** § 6. The governor, treasurer and secretary of the State of Kansas are hereby authorized and directed to issue, on or before the first day of April, A. D. 1866, the bonds of the State of Kansas for the sum of five thousand five hundred dollars, the same to be negotiated by the governor, and the proceeds to be paid into the State treasury ; said bonds, with coupons attached, shall run five years from their date, bearing interest at the rate of ten per centum per annum, payable semi-annually, at the office of the treasurer of State, and shall not be sold below their par value.

(39) § 34. **Proceeds to be applied to use of college.]** § 7. The proceeds of the sale of said bonds shall be applied as follows, to wit : the sum of five thousand five hundred dollars to pay arrearages incurred in conducting the Kansas State agricultural college, and to defray the current expenses of said college for the year 1866 ; and the auditor of State is hereby authorized to draw his warrant on the State treasurer in favor of the treasurer of the board of regents, upon an order of said board.

(40) § 35. **How moneys shall be applied.]** § 8. The amount to be applied out of the income referred to in section five of this act,* to meet the current expenses of said college, shall not exceed four thousand dollars per annum as long as the principal and interest on said bonds herein provided to be issued, remains unpaid ; and all moneys realized from the accruing interest on said deferred payments and securities, over four thousand dollars per annum, shall be, by the State treasurer, applied in liquidation of said bonds, on the first day of January of each year, until the whole of said loan secured by the bonds herein provided shall have been paid : *Provided, however,* That if a sufficient fund is raised from the sale of said lands as will afford a surplus income after paying the bonds herein provided to be issued, and interest thereon as the same becomes due, a larger sum to defray the current expenses of said college may be appropriated, if the board of regents, in their judgment, may deem it necessary.

*The original § 5 in the act published in the General Statutes, at page 79, was amended in 1871, and the amended section is inserted in this chapter as § 27. The provisions of the two sections are different, and the amended section takes the place of the original section five.

(41) § 36. **Agents to make returns.]** § 9. The agent or agents appointed to sell such lands, shall make returns quarterly to the treasurer of State, and deliver to him a detailed statement, verified by his or their oath, of the number of acres, and a description of the lands sold, by whom purchased, the price per acre, and the terms of sale; and the treasurer of the board of regents shall, on or before the tenth day of January, of each year, make out and deliver to the treasurer of State a detailed statement, verified by his oath, of all the expenses of said college for the preceding year; and the treasurer of State shall, on or before the 20th day of January, of each year, make out and deliver to both branches of the legislature of the State a detailed statement, showing the amount of land sold, the terms of sale, the amount of money received therefor, and how expended or applied.

(42) § 37. **Accounts of agents to be audited.]** § 10. The treasurer of the board of regents shall audit all accounts of said agent or agents for the sale of said lands, and all other accounts against said college, and the auditor of State shall audit all the accounts of said treasurer of said board of regents relating to said lands, and the sale thereof, and to the current expenses of said college.

4 KAS. STAT.