

Which report was adopted.

The following communication was received from His Excellency, the Governor:

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
SAINT PAUL, March 1, 1869. }

Hon. C. D. Davison, Speaker of the House of Representatives:

SIR:—I herewith return to the House of Representatives, in which it originated,

H. F. No. 82, A bill for an act to amend an act entitled an act in relation to public schools in the city of Red Wing, approved March 1st, 1864,

Without my approval.

The proviso of the first section of the bill authorizes the board of education of Red Wing to exclude from the schools *all persons under the age of six years.*

This is in conflict with the constitution of the State, which provides (art. viii, sec. 2) that the income of proceeds of the sales of school lands shall be apportioned to scholars between the ages of *five and twenty-one years.* (By reference to the constitutional debates it will be seen that the age of *four years* was at first adopted as the minimum age.) Chapter thirty-six, section four of the revised statutes provides, in accordance with the constitution, for the apportionment to the school districts to scholars between the ages of *five and twenty-one.*

The act of March 6th, 1868, "An act to regulate admission into the common schools of the State, &c.," which was meant to be declaratory of the settled interpretation of the constitution in this particular, provides that—(sec. 1) "Admission to any school organized under the general school law of the State, or any special school law, sustained in whole or part by State school funds, shall be gratuitous to the children of all actual residents in the district wherein such school is taught, *between the ages of five and twenty-one years.*"

The State Superintendent, in view of these provisions of the State constitution, and existing laws, interpreting the same, says: "I cannot think it would be constitutional to deprive a child of educational facilities which had entered into the basis on which school funds were apportioned."

Very respectfully,

WM. R. MARSHALL.

The question being taken, shall the bill pass notwithstanding the objections of the Governor, there were yeas none, and nays 40, as follows:

Those who voted in the negative were—

Messrs. Aaker, Baxter, Bohn, Bryant, Chewning, Easton, Egan, Everett, Faber, Folsom, Gilman, Grover, Hall, Hammer, Hicks, Hobart, Hollister, Hunter, Hyde, Johnson, Larson, Lathrop, Meighan,