

# The McCook Tribune.

THIRTEENTH YEAR.

McCOOK, RED WILLOW COUNTY, NEBRASKA, FRIDAY EVENING, MAY 17, 1895.

NUMBER 82.

## POWER OF SCHOOL BOARDS.

### They May Elect Teachers Regardless of Incoming Members—Superintendent Corbett Talks—He Reverses His Predecessor's Holding That the "Old" Board Cannot Bind the "New."

State Superintendent Corbett has reversed the ruling of his predecessor by holding that boards of education have a right to elect and employ teachers for the ensuing year without waiting until newly elected members have entered upon the duties of office. This decision is important, as it reverses the holdings of the department of education during recent years, and the reasons for the present opinion will therefore be read with interest. Under former rulings teachers could not be elected until the second Monday in July, but under Superintendent Corbett's decision boards may elect immediately.

### THE NEW RULING.

The new ruling was issued Saturday, and is as follows:

LINCOLN, Neb., May 10, 1895.—E. H. Hinshaw, Esq., Pres. of Board of Education, Fairbury, Neb.—Dear Sir: In your favor of recent date you submit for decision the question whether school boards have the authority under our present statutes to employ and contract with teachers for the ensuing school year beginning in September, before the newly elected members of the board enter upon the duties of office.

### THERE ARE NO NEW BOARDS.

There are three distinct classes of school boards under the statutes of this state: District boards in primary districts, district boards of high school districts, and boards of education in city districts. Each of these boards is a continuing body, only one-third of its membership changing each year. There is, in fact, no such thing as an old and a new board. It is one and the same board before and after the accession of new members. It is evident that district boards can bind the board by contracts which extend beyond the time when new members take their seats. Otherwise contracts for school furniture and school houses would come to an end with the expiration of the current school year. The power of the board to contract with teachers rests upon the same authority as that to make other contracts, and is granted by the statutes in the same general terms. And a valid binding contract with a teacher may be made for services to be rendered during the next school year if made in good faith and for a reasonable period. The question here involved was fully discussed and settled in the following cases: Reubelt vs. School Town of Noblesville (Indiana), 7 N. E. Rep. 206; Gillis vs. Space, 63 Barber 177, and Wait vs. Ray, 67 N. Y. 36. Other similar decisions are found in 16 Wis. 339; 50 N. W. Rep. 283; 27 N. E. Rep. 303; 7 Wend., 132; 4 Hill, 168; 53 Ark. 468. In two Illinois cases, (87 Ill., 255 and 92 Ill., 293) the opposite view was taken; but here the powers of the annual meeting were different from ours, including among other things the designation of the studies to be taught. In two other cases, (5 Jones, N. C., 98 and 51 Mo., 21), the right of the board to elect before the annual meeting was denied, but in both of these cases the board was not a continuing body—all the members going out at the annual meeting and an entirely new board being elected.]

### NO STATUTORY LIMITATIONS.

It is clear, therefore, that the board has the power to employ teachers for a reasonable time extending beyond the current school year, unless their power is plainly limited by some other provision of the statutes. What constitutes a reasonable contract is a question of fact to be determined in each particular case.

The Nebraska statutes provide that at the annual district meetings in the primary and high school districts the voters may determine the number of mills of tax to be levied for school purposes for the ensuing year, the length of time school shall be taught, and whether the school shall be taught in the summer or winter or partly in each. The power of the board to contract with a teacher for a time beyond the current school year is therefore subject to these powers expressly granted to the annual meetings; and the district board in employing a teacher for the coming year can only make, prior to the annual meeting, a provisional contract subject to the action of that meeting in matters expressly intrusted to it by law. This provisional contract will be valid and binding after the beginning of the new school year, and is not inconsistent with the annual meeting.

## BASED ON LAW AND POLICY.

The conclusion rests not only upon law, but upon public policy as well. The election of teachers before the beginning of the new school year tends to shake the occupation of teaching more desirable because less precarious, and therefore tends to retain in that profession the services of the most competent persons. Many excellent teachers might be lost to the school and to the state if our school boards were not authorized to employ them until after the second Monday in July. The legislature has therefore wisely left the matter to the sound discretion of the board.

It may be urged that in some instances the authority to employ teachers for the next school year may be used to forestall the action of the newly elected members or to defeat the will of the people. But since only one-third of the members go out at a time the danger is not very great. Every power vested in public officials is liable to abuse. But the fact that a power may be abused is not a sufficient reason for holding that it does not exist. Official integrity of public officers is properly presumed. A desire on their part for the prosperity of the schools whose affairs they manage and a proper regard for the rights and opinions of the incoming members of the board can, in most cases, be relied upon with confidence.

## UNSUPPORTED CONCLUSIONS.

Our statutes limit to three years the time for which the board may contract with a superintendent, (section 8, subdivision XIV). In a former ruling of this department it was held that the legislature thereby evidenced its intention to limit the time for which the board might contract with teachers to the current school year. Such a conclusion is not supported by the law or the adjudicated cases, and would in my opinion greatly injure the efficiency of the public schools of the state.

I am therefore of the opinion, after a careful study of the questions involved, that boards of education in cities have the legal right to employ and contract with teachers for the ensuing school year without waiting until the newly elected members have entered upon the duties of office; and that such contracts made by boards of directors in primary and high school districts will be valid if not inconsistent with any lawful action of the annual meeting. Respectfully submitted,

HENRY R. CORBETT,  
State Supt. of Public Instruction.

—Lincoln Journal.

Ice cream soda—5 cents—at McConnell's.

Send to S. R. Smith for perfect abstracts of title.

Screen doors and wire cloth, all sizes, for sale by Cochran & Co.

Telegraph numbers of land or lots to S. R. Smith and abstract of title will be sent same day.

L. F. Fauss, who lives out in the Vailton section, is laid up with a severe attack of rheumatism.

The county commissioners held a short session Wednesday of this week, adjourning over till June 10th.

Those who have seen Marion Plummer's irrigation plant at Perry siding, declare it to be a typical small plant, cheap and practical and capable of irrigating quite a large garden tract. Too much importance cannot be attached to the subject of irrigation of small tracts—no matter how small, either. Garden truck can thus be produced in abundance, also fruit both large and small. While farming may also be done on a small scale by the means of a windmill, pump and reservoir.

Business men who have been in the habit of using government stamped envelopes will note the fact that as soon as the contract for printing runs out they can only get envelopes at the home office, as the government stops competing with the printer in printing the address thereon. Also by a recent ruling, your letter will be held thirty days unless you have printed on the envelope the number of days you want them held. These are two sensible regulations.

The age of consent having been raised in New York to eighteen, Judge McAdam of the superior court has issued a warning to all whom it may concern that anybody assisting at the marriage of a girl under eighteen will be a criminal offense. He says it will be to solemnize the marriage of a young-looking female with a man whose parents or guardian are not present.

## THE PUBLIC SCHOOLS.

### An Important Decision.

The decision recently delivered by State Superintendent Corbett, which we give elsewhere in this issue in full, is one of the most important official acts that have emanated from the department of education in years, reversing as it does the decision of the department, which had become untenable perforce of certain changes in our school laws, effecting the time when the old board steps out and the new board assumes authority. Under this decision of the State Superintendent it becomes the duty of the old school board to hire teachers for the ensuing school year, thus settling a bothersome and much-mooted question with the board and the community at large. The decision is based on law and public policy.

Prof. Esterbrook of Orleans was a city visitor, Saturday.

A few suspensions from school, this week, caused by chronic truancy and tardiness.

The grade picnics, Saturday, were a success notwithstanding the cool weather and threatened rain.

The high school baseball club will play the Culbertson high school team at the Culbertson fair grounds tomorrow.

The vociferous vocalization of Era Cole in the Culbertson Ira, last week, would indicate that the Culbertson contingent cannot stand defeat gracefully. Play ball, Ira. Not the wind instrument.

The board of education will meet in adjourned session, next Monday evening, when the matter of hiring superintendent of schools and a corps of teachers for the ensuing year will likely be discussed.

Messrs. Fowler and Whittaker of the corps attended the association meeting at Danbury, last Saturday, riding down on their bicycles, and returning home by way of Arapahoe and Cambridge.

Supt. Valentine conducted an unusually interesting session of Eastern class, last Friday evening. A number of new slides were exhibited; besides the superintendent delivered a very interesting address on the subject of "War," which was keenly enjoyed and appreciated.

McConnell's Sarsaparilla.

Ice cream soda—5 cents—at McConnell's.

There are a few cases of scarlet fever in the city again.

JUDGE LEHEW went down to Lincoln again, first of the week.

Lawn Sprinklers and hose and hose couplings. COCHRAN & Co.

A number of McCook's legal contingent attended court at Trenton, Tuesday.

Take a bottle of McConnell's Sarsaparilla for a spring medicine.

Conductor and Mrs. V. H. Solidary leave today for Atlanta, Georgia, on a visit.

THE TRIBUNE will with its next issue enter the fourteenth year of its publication.

W. B. WOLFE of the Bank of Benkelman was a Sunday visitor of the metropolis.

Cochran & Co. handle the best Refrigerators in the market. A large stock now on hand.

A. F. Moore and Rosa Catt were married before the Probate Judge at Atwood, Kansas, last Monday.

Some handsome new box writing paper just received at our stationery department. Prices very reasonable.

Refrigerators, gasoline stoves, screen doors and wire cloth.

COCHRAN & Co.

Mr. and Mrs. Ed. Beyrer and Mrs. S. E. Callen left for Michigan, yesterday morning, to witness the marriage of their daughter, Mrs. Robert.

## PEOPLE YOU KNOW.

H. W. COLE is in Omaha, this week, on business.

PERRY L. HOLE, the Arapahoe banker, spent Sunday in the city.

JUDGE BENSON was up at Haigler, first of the week, on business.

C. W. KNIGHTS went down to Hastings on No. 2, Wednesday morning.

MISS CLARA BONNOT returned home, Wednesday evening, on No. 3.

MRS. A. S. CAMPBELL has been visiting her parents in Hastings, this week.

MRS. C. M. NOBLE went up to Denver, Tuesday night, on a short visit to relatives.

F. H. SPEARMAN was out from Omaha, first of the week, looking to his business affairs.

PATRICK WALSH and John Bennett contemplate going up Sheridan, Wyoming, soon, on a prospecting trip.

MRS. JOSEPH MENARD, Miss Aimée Menard, Mr. and Mrs. Rufinot departed, last evening, for California, on a long visit.

MRS. A. W. CAMPBELL of Box Elder, who has been visiting at her old home in Tennessee, arrived home Wednesday night.

F. M. RICHIEY, a prominent lumberman of Plattsmouth, was up looking after his property interests in this section on Sunday.

ROBERT ROGERS, who has been occupying the Frank Everist place on the Driftwood, departed on Tuesday morning for Illinois.

AL. BENJAMIN and Haskell Tirrill, two of our young South Side men, have gone to the Black Hill country in search of employment.

J. C. HARLAN of the Cambridge Kaleidoscope sojourned in the metropolis, a few hours Saturday evening. Ditto Wednesday evening.

A. N. NETTLETON and family, who arrived home recently from spending the winter in Colorado, left for Oklahoma, Wednesday of this week.

MRS. E. E. COLEMAN, who has been making McCook relatives quite a prolonged visit, left on Saturday evening for her home in Norfolk, this state.

FRANK FORMAN departed for Council Bluffs, Iowa, Wednesday morning, on a visit to his grandmother, and will probably remain during the summer.

GEORGE HOCKNELL and J. W. Hupp left, on last Saturday night, for New Mexico, where the former is interested in some valuable placer mining property.

MRS. ELIZA G. NETTLETON, who arrived home, a few weeks since from California, has built a little cottage near M. H. Johnston's dwelling and is occupying the same.

WILL S. JAY of the State Journal Co. dropped in upon us, last evening, and swapped a few crop report lies with us. He went up the Frenchman branch, this morning, to cast his editorial eye over that fair valley.

DR. L. J. SPICKELMIER left on No. 2, yesterday morning, for Indiana, where he will devote his time to the organization of subordinate lodges of the order of the Star of Jupiter. He expects to be absent several months.

J. K. PATTON of Laurel, Iowa, and L. L. Patton of Newton, Iowa, spent the latter part of last week and the early part of this here visiting their mother, sister and family. They left for home on the morning train, Tuesday.

MRS. W. K. FORSYTH of Coleman precinct left on Sunday night for Kearney, where she was summoned by a telegram announcing the serious illness of her mother. As the delivery of the telegram had been delayed two days, she despaired of seeing her mother alive.

DR. A. P. WELLES is out of town, this week, attending the grand lodge meeting of the A. O. U. W. at Kearney. We usually visit the Doctor will also visit the old soldiers' home before his return.

Jose Menendez, the crazy Spanish cook who caused so much trouble for the crew of No. 2, last Friday morning, and who was taken from the train upon its arrival, was sent on his way to New York the night train Saturday, apparently in good mind. He had jumped from the steps once while the train was between here and Denver, and was caught through the window glass while the train was at a stop. He was not injured; besides giving new end of trouble. He was from San Francisco to New

## THE CHURCHES.

[Under this head we invite the ministry of the city to contribute freely of any and all church news of interest to their various organizations.]

Work on the new Episcopal chapel is progressing rapidly.

Sunday school at the Methodist church at 10 a. m. No preaching at 11.

Rev. Forman will preach at the Boatman school house at 11 a. m. and administer the sacraments of baptism and holy communion.

The Epworth League social at the Methodist church, Wednesday evening, was a grand success in every way. There was a large attendance and everybody had a good time. The "book characters" afforded a very important part of the attraction, much to the entertainment and amusement of the company.

The sermon, Sunday morning, at the Congregational church will have for its theme, "Children of the Almighty." The evening service will be a Union meeting of the Epworth League and the Endeavor society, taking the place of usual service. The topic will be "The Relation of the Church and Young People's Societies." Prof. Spaan will lead. There will be special music, and all are invited. The hour is 7:30 o'clock.

Consult Holmes Bros., the carpenters.

Ice cream soda—5 cents—at McConnell's.

A nice variety of ink and pencil tablets at this office.

Buy a patent lever hose coupler from Cochran & Co.

Fresh milk cow for sale. Inquire of J. S. McBrayer.

Try McMillen's Damask Rose Lotion for face and hands.

S. R. Smith, Indianapolis, bonded abstractor, furnishes abstracts same day ordered.

A private communication conveys the intelligence that the Troxel party have arrived at their destination in Wyoming.

Mr. Tiller has moved his billiard tables and hall furnishings into the Lewis saloon building on lower Main avenue.

Three more cars of aid were shipped in by James Harris, we are informed, last week, two to this point and one to Culbertson.

In the matter of publishing legal notices in unlawful newspapers McCook has some people who act as though they felt superior to the law.

If you want to buy a first-class, high-grade new bicycle at way below the wholesale price, call at this office at once. There is a great bargain for a man with the ready money—almost half price.

The frost king held full sway, close of last week. The northern states are all visited. Fruits and gardens are nipped from Minnesota to New York and from Michigan to Tennessee. Snow fell in some northern states and violent storms occurred on the great lakes.

An inventive genius out in Iowa conceived the idea of utilizing barbed wire fences for a telephone line. With a few connecting wires he built his telephone that way from Webster City to Dancombe, a distance of twenty miles, attached the instruments and it worked like a charm. This is good news for the farmers of the west. They can have telephone communication with each other at a very trifling expense.

A newspaper is just what the name implies—the avenue through which the public gains a knowledge of the events of the day. Every column of a paper is a news column. Even the advertisements are business news. The shrewd merchant realizes the fact and lets the people know through a well worded advertisement what news there is in the way of bargains. A clean cut and to the point advertisement has lots of news to many people every day.

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## Attention, Old Soldiers.

All members of J. K. Barnes Post No. 207, G. A. R., and all old soldiers and sailors are requested to meet at the post room at 10:30 a. m., central time, Sunday, May 26th, 1895, and march to the Methodist church, where the Memorial sermon will be preached by Rev. Taylor of Bartley, Nebraska.

W. S. FIRCH, Post Commander.

Decoration exercises will be held in Menard's hall, May 30th, 1895, at 11 a. m., central time, sharp. Programme will appear in next week's issue. A cordial invitation is extended to all old soldiers, Sons of Veterans, Woman's Relief Corps, the public school officials, board of education and all civic societies and hose and fire companies to participate with us in strewing the graves of our departed comrades with flowers. COMMITTEE.

## The City Council.

The city council was in brief, regular session, Monday evening, all present but Alderman Fulton.

Bills were allowed as follows:

Howe Smith, ..... \$50 00  
C. G. Coghlan, ..... 25 30  
Ed. Jordan, ..... 12 75  
L. P. Aurich, ..... 1 59  
J. P. Coffey, ..... 7 13  
Barnett Lumber Co., ..... 7 13

Finance committee report that they find the annual report of Treasurer Gray correct. Report of Ed. Jordan, overseer of streets, was approved.

Adjourned.

## And Now We Are—

Clothing the multitude—that is what we are doing with those elegant spring suits, prices low—look at samples.

You want a hat—we are selling at cost for two weeks—styles are correct.

Hebron flour—best in town—price on White Bread reduced to 75c. per sack. Try it and become a regular customer.

Another 100 lbs. of that choice Boneless Ham to arrive this week. We can scarcely supply the demand on this. A trial will prove its superiority and cheapness.

Fruits (Best California canned goods) at 6 cans for one dollar.

Call and interview us.

McCONNELL MERCANTILE CO.

## He Couldn't Tell a Lie.

It was in the Bible class of a Sunday morning. They had been considering the marvelous success which had accompanied Joseph's conduct of Potiphar's business affairs. The question naturally arose as to what was essential to success in a business undertaking.

Only Colonel Rasterday—and the Colonel stands out in bold and picturesque uniqueness among men—was equal to the emergency. In clarion notes promptly came the answer: JUDICIOUS ADVERTISING.

## Taken Up.

Two horses and one mare, bays, have been worked. Owner can have same by calling at my farm, four miles east of McCook, proving property, paying for this notice and pasturage.

BENJ. BAKER.

## For Sale or Lease.

The butcher shop and tools on West Dennison street. Inquire of S. M. Cochran & Co., or of PERRY STONE.

## For Sale Cheap.

A fine 1150 pound Morgan mare and a heavy top buggy in good order. Apply at THE TRIBUNE office.

## Dwelling for Rent.

A nice five-room residence on north Madison for rent. Call on P. A. WELLES.

Andrew Anderson, who lives about ten miles southwest of here, is looking for a stray sorrel horse, two years old, half Norman, white strip in face. Animal left his place early in April, toward.

Fifteen (15) cents will buy a box of nice writing paper at this office, containing 24 sheets of paper and 24 envelopes.

Now is the proper time to begin taking a spring medicine. McConnell's Sarsaparilla is the best thing to use.

June 1st Carnegie will increase wages of his 25,000 employees. Here's to Andy!

Al Sharp had one of his horses mashed, out on the road, yesterday afternoon.

Lawn Sprinklers and hose couplings.

Paraldehyde and other chemicals.