

Summer 1941

The History of The Barnes Law and Its Effect On High School Education In Kansas

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DOI: 10.58809/IPHV5770

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THE HISTORY OF THE BARNES LAW AND ITS EFFECT
ON HIGH SCHOOL EDUCATION IN KANSAS

being

A Thesis presented to the
Faculty of the Fort Hays Kansas State College
in partial fulfillment of the requirements for the
Degree of Master of Science

by

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Approved:

Robert T. McGeath
Major Professor

July 22, 1941
Date

H. W. Abernethy
Chairman of the Council

ACKNOWLEDGEMENT

The author wishes to express his appreciation to those who have made this thesis possible; namely, Dr. Robert T. McGrath, who directed the work, Dr. Floyd B. Streeter and T. W. Wells of Fort Hays Kansas State College for their advice, and Arno Windscheffel, County Attorney of Smith County, and W. E. Lee, County Superintendent of Smith County, for their suggestions and use of private library material.

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INTRODUCTION

Many laws have been passed in the educational history of Kansas for the support of high schools. The "common school district" maintaining a high school, the "consolidated school district", the "rural high school district", the "county high school" now the "community high school" are organizations maintaining schools for boys and girls doing secondary school work.

Early in the history of Kansas there was a need for state and county support of high schools thus making the tax burden lighter for districts maintaining secondary schools and at the same time providing more schools and tuition in order that boys and girls living outside of organized districts might have equal opportunities of high school training with boys and girls living within the bounds of districts maintaining high schools.

The Barnes Law for the support of high schools passed by the Legislature of Kansas in 1905 helped to solve the problem of high school education.

For the past three years the writer has been connected with a common school district attempting to operate an accredited "class A" high school with insufficient funds to purchase library facilities, science equipment, playground equipment, teachers supplies, repair for the buildings, and to pay salaries sufficient to obtain experienced teachers for a faculty. These conditions and the efforts of school

men through the Kansas State Teachers Association to have the Barnes plan of high school support extended as a state wide means of equalizing high school costs induced the writer to become interested in the Barnes plan of operation, hence the title of this thesis or investigation, "The Barnes Law and its Effect on High School Education in Kansas."

The history and evolution of the Barnes Law and the counties operating under the terms of the act include the scope of this study.

In brief, the Barnes Law is a county wide plan of taxation to aid in the cost of operation and maintenance of the high schools within the county. A Barnes county is one in which the high schools of the county are a unit operating under the provisions of the Barnes Act.

METHOD

In making this investigation the Historical and Statistical methods of research were divided into three parts, first the agencies and organizations used to secure facts leading to the enactment of the Barnes Law. This was done by examining the Biennial Reports of the State Superintendent of Public Instruction, newspaper files, and the House and Senate Journals of Kansas; the second phase was a study of the General Statutes, School Laws and the Session Laws to find the changes and amendments to the original Barnes Law; the third phase included tabulating the statistical data from the Biennial Reports of the State Superintendent and the Kansas Educational Directory to determine the growth of the Barnes Plan for the support of the high schools.

PREVIOUS STUDY

A survey of related literature yielded only the research work done by T. W. Wells, in compiling the Revised School Laws of 1923, while Assistant State Superintendent of Public Instruction.

THE HISTORY AND INFLUENCE WHICH BROUGHT
ABOUT THE ENACTMENT OF THE LAW

While in Pratt June 16, 1941, the writer found through a conversation with W. W. Humble,

The late Mr. J. S. Barnes was a banker and real estate broker in Pratt, Kansas. He was interested in young people and encouraged them to attend school. For a number of years he gave an award to the valedictorian of the Pratt High School.¹

Mr. Humble also suggested the writer visit Mr. R. F. Click, an attorney who had lived near Mr. Barnes and was a close friend of the Barnes family.

In the conversation, Mr. Click summarized the part he and Mr. Barnes had taken in writing and presenting the bill to the Kansas Legislature.

While county superintendent of Pratt County, I became acquainted with the need of some plan to support high schools in counties where the county high school law would not apply, so Mr. Barnes and I, while members of the Board of Education of Pratt, worked out the bill and sent it to the school men over the state for their approval. Few changes were made in the original copy; however, one of these changes eliminated our plan for a county board to operate all the high schools in the county.

-
1. Humble, W. W. Pratt, Kansas, June 16, 1941. During a conversation, told interesting events in the life of Mr. Barnes.
 2. Click, R. F. Pratt, Kansas, June 16, 1941. Told of the efforts he and Mr. Barnes exerted in behalf of the Barnes Law.

Since the Barnes Law was passed, Mr. Barnes and I have spent considerable time to save the law from being amended to the extent it would be useless or to save it from repeal. Many of the proposed amendments that did not pass are the ones that gave us much concern. It was through Mr. T. C. Carver, now president of the Peoples Bank of Pratt, who was a member of the state senate, that we were able to exert our influence.³

January 10, 1905, at twelve o'clock noon the fourteenth Biennial Session of the Kansas Legislature met for the first time. After hearing the message of Governor F. W. Hoch read by Hon. T. A. McNeal, the governor's private secretary, the house adjourned until ten o'clock Wednesday January 11.

During the forenoon session of January 11, fifty-six bills were introduced in the house and among these was House bill no. 55, introduced by J. S. Barnes, representative of the seventy-ninth district or Pratt County, an act providing for the maintenance and regulation of high schools was read the first time. It was read the second time January 12 and referred to the education committee.

On January 20, Mr. Barnes, chairman of the committee on education reported that the committee recommends house bill no. 55 be passed.

On January 21, Mr. Barnes moved that house bill no. 55 ...on the calendar under the head of General Orders, he also a Special Order for Wednesday afternoon at two o'clock which motion prevailed.⁴

January 25, J. L. Brady, representative of the thirteenth district and a member of the committee of education moved the

3. Click, R. F. Pratt, Kansas, during a conversation.

4. House Journal, proceedings of the house of representatives, January 10 to March 10, 1905.

house go into committee of the whole for the consideration of house bill No. 55 under the head of Special Orders. The motion prevailed. From the report of the chairman, C. B. Kirtland, representative of the sixty-eighth district, the committee spent some time with amendments and changes in the original sections. The controversial points were in the sections, "where the law would be in effect", "how the money would be proportioned" and "when the law would be in force." The following from the Topeka Daily Capital dated January 26, 1905, indicated the importance of this committee meeting.

The house yesterday spent the entire afternoon in a debate on the Barnes high school bill. The bill is by Mr. Barnes of Pratt, and came up for consideration in the committee of the whole, with Mr. Kirtland in the chair. Mr. Brady of Douglass named an amendment to let the people vote on the proposition, and on that proposition the fight came. Nearly every member made from one to a half dozen speeches. After a wrangle of three hours the committee of the whole adopted the Brady amendment and the bill was recommended for passage.⁵

January 26, 1905, house bill No. 55 was read the third time and the question being, "Shall the bill pass?" The roll was called with the following result, yeas 88, nays 17, and absent or not voting 10.

The afternoon session of January 26, the senate received a message from the house stating house bill No. 55 had passed the house. The bill was promptly read for the first time. The second reading occurred January 27 during the forenoon session.

At a concurrence of the Senate Committee February 9, the committee reported that house bill No. 55 should retain its place on

5. Topeka Daily Capital, January 26, 1905, p. 5.

the calendar and be printed. When the committee met February 16, progress on the bill was reported.

February 20, the bill was read for the third time and passed with 27 yeas, 0 nays, and 13 absent or not voting.

In a message from E. W. Hoch, Governor of Kansas, to the House of Representatives, house bill No. 55 was approved.

THE ORIGINAL BARNES LAW

House Bill No. 55

An act providing for the maintenance and regulation of high schools.

Be it enacted by the Legislature of the State of Kansas: Section 1. In every county in the state of Kansas in which one or more school districts or cities of less than 16,000 inhabitants shall have maintained high schools with courses of instruction admitting those who complete the same to the freshman class of the college of liberal arts and sciences of the University of Kansas, the county commissioners shall levy a tax each year, of not less than one-fourth of a mill nor more than three mills on the dollar of the assessed valuation of the taxable property within such counties, for the purpose of creating a General High School Fund.

Section. 2. The first levy shall be made when the result of the election of petition is determined and a similar levy shall be made each year thereafter; provided no levy shall be made until one or more such high schools shall have been maintained in the county the preceding year.

Section 3. Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurers shall pay the same to the treasurers of the school districts maintaining high schools according to the provisions of this act as required by law, but no part of said General High School Fund shall ever be used for other than High School purposes.

Section 4. The county treasurer shall pay to the treasurers of said school districts a pro rata of the said

general high school fund apportioned to the several school districts according to the average daily attendance of the resident pupils of the county in the high schools of each the preceding year, but no apportionment shall be made to any school district after it has discontinued its high school.

Section 5. It shall be the duty of the principal of each such high school at the expiration of the school year, to make a report under oath, to the county superintendent, showing the total enrollment and the daily attendance of each pupil, and the average daily attendance in his high school for that year, and to furnish such other reports as the county superintendent may require, and his last month's salary shall not be due until such report shall have been duly made.

Section 6. It shall be the duty of the county superintendent to certify to the county clerk and to the county treasurer, on or before the 25th day of July each year, the average daily attendance in the several high schools of the county complying with the provisions of this act, for the year ending on the 30th day of June preceding.

Section 7. Tuition shall be free in all such schools to pupils residing in the county where such schools are located.

Section 8. At least two courses of instruction shall be provided, each requiring four years work, namely: A college preparatory course which shall fully prepare those who complete it to enter the freshman class of the college of liberal arts and sciences of the University of Kansas and a general course designated for those who do not intend to continue school work beyond the high school.

Section 9. Cities having more than 16,000 inhabitants and counties having heretofore established county high schools under the laws now in force, shall be exempt from the operation of this act.

Section 10. This act shall not be in force in any county until its provisions are adopted therein by a majority vote of the electors as herein provided at the next general election unless previously submitted, the following proposition shall be submitted, in each county, or part of the county, in the state to which this law may apply, viz.: "May the provisions of the High School Act of 1905 apply in this county?" the election shall be conducted and such proposition shall be voted on, and the votes canvassed and returns made in all respects as provided by law. Whenever a

majority of the voters voting in any county or the part of any county to which this law may apply, at such election shall be in favor of such proposition, the provisions of this act shall apply in such county from the time such result is ascertained. If the proposition fails to carry at the next general election, it may be resubmitted in each county or part of county in the state to which this law shall apply upon petition to the Board of County Commissioners by 25 per cent, of the tax-payers at any general election hereafter.

Section 11. This act shall be in full force and effect from and after its publication in the official state paper.

I hereby certify that the above bill originated in the house and passed that body, as amended by the Senate January 26th, 1905, and concurred in the Senate Amendments February 21, 1905.

W. R. Stubbs
Speaker of the house

T. W. Knapp
Chief Clerk of the house

Passed Senate February 20, 1905.

D. J. Hanna
President of the Senate⁶

6. Topeka Daily Capital, Official State Paper, March 3, 1905.

TABLE I
HOUSE EDUCATIONAL COMMITTEE

The house educational committee during the fourteenth biennial session of the Legislature of Kansas from January 10, 1905, to March 10, 1905.

Name	Postoffice	County
Archer, W. E.	Horton	Brown
Barnes, J. S. (chairman)	Pratt	Pratt
Benson, A. W.	Ottawa	Franklin
Brady, J. L.	Lawrence	Douglass
Ewell, O. P. T.	Kiowa	Barber
Glasscock, S. S.	Kansas City	Wyandotte
Hoskins, S. B.	Lenexa	Johnson
Plumb, George	Emporia	Lyon
Young, P. C.	Fredonia	Wilson

TABLE II
SENATE EDUCATIONAL COMMITTEE

The senate educational committee during the fourteenth biennial session of the Legislature of Kansas from January 10, 1905, to March 10, 1905.

Name	Postoffice	County
Betts, J. E.	Topeka	Shawnee
Buschow, Chas.	Colby	Thomas
Carver, T. C.	Pratt	Pratt
Gilbert, Arthur L.	Troy	Doniphan
Hamme, J. M.	Cottonwood Falls	Chase
Noftzger, T. A.	Anthony	Harper
Porter, S. M.	Caney	Montgomery
Young, I. D.	Beloit	Mitchell

THE OPERATION OF THE LAW AND LEGISLATIVE CHANGES
WHICH HAVE TAKEN PLACE SINCE ITS ENACTMENT

During the time from the passage of the Barnes Law to the present, many changes have been made in the law by amendment and adding new sections. Most of these changes occur in the sections providing for: "the general fund", "estimate of making the levy", "distribution of funds", "levy and apportionment in joint districts", "special sections for certain counties" and "when the Barnes Law shall operate in a county."

LEVIES

The original law of 1905 provided that:

...school districts or cities of less than 16,000 inhabitants shall have maintained high schools...the county commissioners shall levy a tax each year, of not less than one-fourth of a mill nor more than three mills on the dollar of the taxable property within the county...¹

In 1909 the first change was made in the limitation of the levy for the general fund:

The authority of the board of county commissioners of each county...is hereby limited so that said board shall not levy in excess of five-tenths of one mill...²

Another change was made in 1911 where the:

...board of county commissioners is limited so that said board shall not levy in excess of six-tenths mills... provided this section shall not apply to counties having a valuation in excess of thirty million dollars.³

-
1. Laws, 1905. ch. 397, sec. 1.
 2. Laws, 1909. ch. 245, sec. 15.
 3. Laws, 1911. ch. 261, sec. 2.

Section 1, chapter 397 of the laws of 1905 was repealed in 1913 making new provisions for the general fund:

In every county in the state of Kansas in which one or more school districts or cities of less than sixteen thousand inhabitants shall have maintained high schools...the county commissioners shall levy a tax each year of not less than one-fourth mill nor more than three mills on the dollar ...provided that in counties of less than four thousand inhabitants and in which there is only one high school operating under the provisions of this act...the county commissioners may levy one-half mill for the purpose of aiding such high schools in the construction, maintenance, and upkeep of such high school buildings.⁴

Section 2, chapter 261 of the laws of 1911 was amended the same year limiting the authority of the county commissioners so that the:

...said board shall not levy in excess of three-fourths mill...provided that this section shall not apply to counties having a valuation of thirty million dollars.⁵

In 1915 the levy for the general fund was given new limitations:

The board of county commissioners of each county... is hereby limited so that said board shall not levy in excess of nine-tenths mill upon all taxable property...provided that this section shall not apply in counties having a valuation of twenty-eight million dollars.⁶

Two changes were made in 1917. The general fund levy limit was placed as follows:

...the said board shall not levy in excess of nine-tenths mill upon all taxable property; provided that this section shall not apply to counties having a valuation in excess of thirty-five million dollars.⁷

4. Laws, 1913. ch. 277, sec. 1.

5. Laws, 1913. ch. 279, sec. 2.

6. Laws, 1915. ch. 317, sec. 2.

7. Laws, 1917. ch. 288, sec. 2.

The section passed in 1913 applying to certain counties was amended with further limitations and exceptions. Section 11365a of the General Statutes of Kansas for 1915 was amended as follows:

The authority of the board of county commissioners... is hereby limited so that the board shall not levy in excess of nine-tenths mill upon all taxable property in the county, or in that part of the county subject to the taxation for the support of high schools established pursuant to sections 9320-9329 of the General Statutes of Kansas for 1915; provided that this act shall not apply to counties having a valuation in excess of twenty-eight million dollars, except such counties or parts of counties as having a population in excess of 25,000 and support eight or more high schools established pursuant to sections 9320 through 9329.⁸

Section 9320 of the General Statutes of 1915 or section 1, chapter 397 of the laws of 1905 were amended by the special session of 1920 to read as follows:

...county commissioners shall levy a tax each year of not less than one-fourth of a mill nor more than four and one-half mills on the dollar of assessed valuation...provided, that in counties of less than four thousand inhabitants and in which there is only one high school operating under the provisions of this act, the county commissioners...may levy three-fourths mill for the purpose of aiding such high schools in the construction, maintenance and upkeep of such high school buildings.⁹

That section 11365 of the General Statutes of Kansas for 1915, as amended by chapter 288 Session Laws of 1917 be and the same is hereby amended to read...the authority of the board of the county commissioners of each county...is hereby limited so that said board shall not levy in excess of seven and one-half tenths of one mill upon the dollar upon all taxable property.¹⁰

That section 1 of chapter 285, Laws of 1917, is hereby amended...the county commissioners...is limited so that said

8. Laws, 1917. ch. 285, sec. 1.

9. Laws of special session, 1920. ch. 52, sec. 10.

10. Ibid., sec. 2.

board shall not levy in excess of one and three and one-half tenths of a mill...Provided, that this act shall not apply to counties having a valuation in excess of twenty-eight million dollars, except such counties as have a population of 25,000 and as support eight or more high schools established pursuant to said sections 9320 through 9329. ¹¹

A law was passed in 1921 to apply in certain counties of 85,000 to 110,000 population.

That every county in the state having a population not less than 85,000 and not more than 110,000 which heretofore complied with the provisions of Laws of 1905, chapter 397 and amendments thereto, shall certify the tax for the maintenance of the high schools of said county (excluding high schools in cities of the first class) and shall also distribute said tax in the manner hereintofore provided. ¹²

A tax levy limitation was made in 1921 to apply in certain counties.

The authority of the board of county commissioners...is hereby limited so that said board shall levy a tax each year of not less than five-tenths of a mill nor more than one and one-quarter mills on the dollar upon all taxable property in the county, or in that part of the county subject to the taxation for the support of high schools established pursuant to said chapter 397 of the Laws of 1905. ¹³

Chapter 52, section 2, of the Laws of 1920 was repealed by the Laws of 1925, chapter 280, section 1.

An act was passed in 1927 that repealed sections 79-3012 (Law, 1921, ch. 248, sec. 4), 79-1918 (Law, 1920, ch. 52, sec. 2) and 79-1919 (Law, 1920, ch. 52, sec. 4) of the Revised Statutes of 1923, which read:

The authority of the board of county commissioners of each county having a valuation of more than \$40,000,000...to levy annually a tax by means of which to raise the necessary funds for the support of the high schools...is hereby limited so that said board shall not levy in excess of one and three and one-half tenths of a mill in such county. ¹⁴

11. Laws of special session, op. cit., sec. 3.

12. Ibid., sec. 4.

13. Laws, 1921. ch. 248, sec. 4.

14. Laws, 1927. ch. 267, sec. 1.

TABLE III

TAX LEVIES IN BARNES LAW COUNTIES

Each amendment is placed directly under the law which it amends or repeals. This table represents the levies for the general fund.

Laws 1905, ch. 397, sec. 1, limit .25 mill to 3 mills

L. 1909, ch. 245, sec. 15, limited .5 mill

L. 1911, ch. 261, sec. 2, limited .6 mill. Does not apply in Co. having \$30,000,000 valuation

L. 1913, ch. 279, sec. 2, levy .75 mill. Does not apply in Co. having \$30,000,000 valuation

L. 1915, ch. 317, sec. 2, limited .9 mill. Does not apply in Co. having valuation in excess of \$28,000,000

L. 1917, ch. 288, sec. 2, limited .9 mill. Does not apply in Co. having valuation in excess of \$35,000,000

L. 1920, ch. 52, sec. 2, limited .75 mill

L. 1925, ch. 280, sec. 1, repeals above

L. 1920, ch. 267, sec. 1, limited 1.35 mill. Does not apply in Co. having valuation in excess of \$45,000,000

L. 1927, ch. 285, sec. 1, limit 1.35 mill. Does not apply in Co. having valuation in excess of \$40,000,000

L. 1917, ch. 285, sec. 1, limit, .9 mill. Does not apply in Co. having valuation in excess of \$28,000,000 except in Co. having 25,000 population and 8 or more schools

L. 1920, ch. 52, sec. 3, limit 1.35 mills. Does not apply in Co. having valuation in excess of \$28,000,000 except in Co. having population of 25,000 and 8 or more schools

L. 1927, ch. 267, sec. 1, repeals above

TABLE IV

TAX LEVIES IN BARNES LAW COUNTIES
(Certain Counties)

Each amendment is placed directly under the law which it amends or repeals. This section of the table represents the levies for certain counties.

Laws 1905, ch. 397, sec. 1, limit .25 mill to 3 mills

Law 1913, ch. 277, sec. 1, limit .25 mill to 3 mills. If population is less than 4,000, .5 mill may be levied to aid in construction, maintenance, and upkeep of high school buildings

L. 1920, ch. 52, sec. 10, limit .25 mill to 4.5 mills. .75 mill may be levied in counties of less than 4,000 population for maintenance, construction, and upkeep of buildings

L. 1921, ch. 248, sec. 4, limited .5 mill to 1.25 mill to apply only in counties of 85,000 to 110,000 population

L. 1927, ch. 267, sec. 1, limited 1.35 mill applying to Co. having valuation in excess of \$40,000,000

ESTIMATE FOR MAKING THE LEVY

Since the enactment of the Barnes Law several methods have been employed to estimate the amount of money that would be needed to aid in the support of the high schools within a county. This estimate is determined, then a levy sufficient to produce the estimated amount is placed upon the assessed valuation of the county.

This estimate for making the levy has been changed nearly as often as the limitations on the levy for the general fund. The Session Laws of 1905, chapter 397 provided for the amount to be levied to be proportioned to the several high schools of the county on the basis of average daily attendance.

The first change in the Barnes Law took place in this section, in the legislature of 1907 which repealed section 6, of chapter 397 of the Laws of 1905.

It shall be the duty of the county superintendent to certify to the county clerk and to the county treasurer, on or before the 25th day of July each year, the average daily attendance in the several high schools of the county complying with the provisions of this act for the year ending on the 30th day of June preceding and to certify to the board of county commissioners the amount necessary for the maintenance of such high schools the ensuing year, and the county commissioners shall make such a levy (not to exceed three mills on the dollar of the assessed valuation of the taxable property within the county) as may be necessary to produce such amount; and in the case the county commissioners shall fail to make such levy, and to certify the same to the county clerk of such county who shall enter upon the tax rolls the levy so made by the county superintendent.¹⁵

In 1917 the plan of counting the number of teachers and estimating the levy at so much per teacher was started.

15. Law, 1907. ch. 333, sec. 1.

It shall be the duty of the county superintendent of public instruction...to certify to the board of county commissioners the number of teachers employed in the several high schools complying with the provisions of this act in the county during the year ending on the thirtieth of June preceding, counting for the purpose of this act, each superintendent and each principal as one teacher, and the county commissioners shall levy a tax, not in excess of the limit prescribed for this purpose by law, which levy shall be sufficient to produce an amount equal to \$800 multiplied by the number of teachers...16

An act was passed in 1921 to estimate the levy in certain counties with a population of 85,000 to 110,000. This act provided:

...the county commissioners shall levy a tax...which levy shall produce \$1,500 multiplied by the number of teachers in the high schools complying with the provisions of this act ...provided, that in determining the number of teachers for any high school, a high school that has less than twenty pupils shall be considered a three teacher high school, and for every twenty additional pupils or major fraction thereof, an additional teacher shall be added until a school has eighty pupils, and for each additional 35 pupils or major fraction thereof over eighty pupils an additional teacher shall be added; and in determining the number of pupils for the provisions of this act, pupils shall not be counted unless they have been in attendance at least 50 per cent of the days in the school term...17

Section 72-3005 of the Revised Statutes of 1923 or the Laws of 1917, chapter 281, section 1 was amended in 1925:

...and the county commissioners shall levy a tax... which shall be sufficient to produce an amount equal to \$1200 during the preceding year in the high schools complying with this act...18

An amendment was made to the action applying to certain counties of 85,000 to 110,000 population by the legislature of 1931.

This amendment is:

16. Law, 1917, ch. 281, sec. 1.

17. Law, 1921. ch. 248, sec. 2.

...every county in the state having a population less than 75,000 and not more than 110,000 which heretofore complied with the provisions of the Laws of 1905, chapter 397 and amendments, shall certify the tax for the maintenance of the high schools of said county (excluding cities of the first class) and shall also distribute said tax in the manner heretofore provided.¹⁹

The legislature of 1938 changed the plan of estimation for making the levy to cover high school extension courses and the allocation of the sales tax.

...the county commissioners shall levy a tax...which levy shall be sufficient to produce an amount which, added to any residue in the fund and the full amount of any allocation of sales tax for the ensuing year, will equal \$1200 multiplied by the number of teachers employed during the preceding year in the high school and high school extension courses, if any...²⁰

DISTRIBUTION OF FUNDS

Several plans for the distribution of the funds raised by the levy for the general fund have been used during the thirty-six years the Barnes Law has been in operation. The first plan was to apportion the fund according to the average daily attendance of the resident pupils of the county in the high schools of each.

The first change was in 1908 with an amendment that read as follows:

The county treasurer shall pay to the treasurer of said school districts a pro rata of the general high school fund apportioned...according to the estimated cost of maintaining the high schools of the ensuing year.²¹

From the fund produced by the general levy the Legislature of 1917 passed an amendment that each school be paid an amount equal

19. Law, 1931. ch. 259, sec. 2.

20. School Laws of Kansas, 1939, 72-3005.

21. Laws, 1908. ch. 69, sec. 1.

TABLE V

ESTIMATE FOR MAKING THE LEVY

This table shows the changes which have been made in the section which provides a means for estimating the levy to be made on the assessed valuation of the taxable property within a county.

Each change is directly under the law which it amends or has repealed.

Law 1905, ch. 397, sec. 6. Amount levied to be apportioned on average daily attendance

Law 1907, ch. 323, sec. 1. County superintendent to certify amount needed for the ensuing year

Law 1917, ch. 281, sec. 1, \$800 times the number of teachers employed the preceding year

Law 1925, ch. 235, sec. 1, \$1200 times the number of teachers employed the preceding year

School Laws 1939, 72-3005, \$1200 multiplied times the number of teachers after adding the residue in the general fund plus any allocation of the sales tax

(for certain counties)

Law 1921, ch. 248, sec. 2, \$1500 times the number of teachers employed in the county. Applies only to counties having a population of 85,000 to 110,000

School Laws 1939, 72-3005. Certify tax for maintenance of high school of county. Applies only in counties of 75,000 to 110,000 population

to \$400 multiplied by the number of teachers employed in the said district during the preceding year, however:

If the tax levy shall not be sufficient to permit the payment of the amounts herein specified, the fund produced by such tax shall be distributed...in proportion to the number of teachers employed in the high schools during the year preceding the levying of the tax.²²

Section 1, chapter 265 of the laws of 1919 provided for each school to receive its share of the general fund:

...in proportion to the total number of days of actual attendance of all pupils in the high schools of said city and districts during the year immediately preceding said payment.²³

In 1920 the following amendment was made to chapter 265 of the Session Laws of 1919:

That each high school entitled to participate in the funds provided for in section 1 shall receive \$800 and the balance of such funds shall be apportioned among such schools in proportion to the total number of days of actual attendance of all pupils in the high schools of said city and districts during the year immediately preceding said payment.²⁴

The last amendment to this section was made in 1925 when a provision was made for:

...each school entitled to participate in the funds produced by the tax provided for...shall receive \$1200 and the balance of said funds shall be apportioned among such high schools in proportion to the total number of days of actual attendance of all pupils in the high schools of said city and districts during the year immediately preceding said payment...²⁵

In 1931 provision was made for the distribution of funds in the counties with a population from 75,000 to 110,000, "...the funds shall be distributed to each school in proportion to the number of teachers in the school."²⁶

22. Laws, 1917. ch. 281, sec. 2.

23. Laws, 1919. ch. 265, sec. 1.

24. Laws, 1920. ch. 54, sec. 1.

25. Laws, 1925. ch. 235, sec. 2.

26. Laws, 1931, ch. 259, sec. 3.

TABLE VI
DISTRIBUTION OF FUNDS

Each Session Law is directly under the section which it amends or repeals.

L. 1905, ch. 397, sec. 3. Apportion funds according to average daily attendance

L. 1908, ch. 69, sec. 1. Apportion general fund according to estimated cost of maintaining the high schools of the ensuing year

L. 1917, ch. 265, sec. 1. Fund proportioned \$400 times number of teachers employed in district during preceding year

L. 1919, ch. 265, sec. 1. Fund proportioned according to total number of days actual attendance

L. 1925, ch. 235, sec. 2. Each school shall receive \$1200. Balance of fund apportioned in proportion to number of days of actual attendance

(special act for certain counties)

L. 1931, ch. 259, sec. 3. Funds distributed in proportion to number of teachers in the school. Applies only in counties of 75,000 to 110,000 population

LEVY AND APPORTIONMENT IN JOINT DISTRICTS

The legislature of 1911 passed the first laws relative to more than one county being in a school district or of students attending a high school from two or more counties.

The first law passed in 1911 concerning the operation of joint high school districts provided:

That whenever any high school maintained in a joint district receives a contribution under the Barnes High School act...and when the provisions of the act do not prevail in the other county of which the joint high school district is a part, it shall be the duty of the county superintendent of the county in which the Barnes High School Act does not prevail to make an equitable estimate of the contributions which should be made by the school district territory of the joint high school district lying in his county toward the support of the said joint high school district...²⁷

In 1917 when the method of estimating the levy for the general fund was the number of teachers times some specific amount, a change was made in the section dealing with joint districts:

The county superintendent having jurisdiction over such joint school district or the county superintendent of the county in which such rural high school is located shall apportion the number of teachers employed in the high school to the several counties in which any part of the joint district or rural high school shall lie, in the proportion which the number of days of attendance in said rural high school district shall lie, in proportion which the number of days of attendance in said high school of the pupils residing in each county shall bear to the total number of days of attendance in said high school...²⁸

The next change to take place in this section took into consideration joint districts that lie in counties operating under the Barnes Law and in counties that do not operate under the act.

27. Laws, 1911. ch. 272, sec. 1.

28. Laws, 1917. ch. 281, sec. 4.

Whenever any high school...shall be maintained in any joint school district or any rural high school district, any part of which shall lie in any county in which the provisions of chapter 397 of the Laws of 1905 and amendments thereto shall be in force, it shall be the duty of the county superintendent having jurisdiction over said joint school district or rural high school district to make an apportionment of the teachers employed based on the attendance of the pupils residing in the county which said chapter 397 is in force...and he shall certify the same to the county superintendent of the county in which chapter 397...is in force together with a statement of the total number of days of actual attendance of pupils in such high school residing in such county during the school year immediately preceding...²⁹

The legislature of 1939 made some changes in the section which applies to joint districts:

...the county superintendent having jurisdiction over joint school districts or the county superintendent of the county in which the school is located shall apportion the number of teachers employed in said high school to the several counties in which any part of said joint school district or said rural high school shall lie, in the proportion which the number of days of attendance in said high school of the pupils residing in each county shall bear to the total number of days of attendance in said high school during the school year preceding the levy of the tax...Whenever any high school meeting the requirements of chapter 397 of the Session Laws of 1905 shall be maintained in any joint school district...under the supervision of the county superintendent (such county hereinafter designated as county A) and part in a county in which said law is not in force (hereinafter known as county B) it shall be the duty of county superintendent of county A to notify county superintendent of county B on or before July 25 of each year of the levy made in county A...The county superintendent of county B shall forthwith notify the county commissioners of said county of the amount of such levy and it shall be the duty of said county commissioners to extend such levy over the portion of the joint school district or joint rural high school district lying within the limits of county B. The proceeds of such levy shall be paid in like manner with other taxes to the county treasurer of county B and by him remitted...to county treasurer of county A and by him placed to the credit of the joint district maintaining a high school or a rural high school lying in these two counties...³⁰

29. Laws, 1919. ch. 266, sec. 1.

30. School Laws of Kansas, 1939, 72-3007.

WHEN THE BARNES ACT SHALL OPERATE IN A COUNTY

The original Barnes Law of 1905 provided for a time when
the:

...act shall not be in force until its provisions are adopted therein by a majority vote of the electors as herein provided at the next general election unless previously submitted.³¹

It also provided for the election to be,

...conducted and such proposition shall be voted on, and the votes canvassed and the returns made in all respects as provided by law. Whenever a majority of the voters voting in any county or the part of any county to which this law may apply...the provisions of this act shall apply from the time such result is ascertained.³²

In case the election shall fail, it may be resubmitted in each county or part of county,

...upon petition to the board of county commissioners by 25 per cent, of the taxpayers at any general election hereafter.³³

In 1908 during a special session of the Kansas Legislature section 10, chapter 397 of the laws of 1905 was amended as follows:

This act shall not be in force in any county until its provisions are adopted therein by a majority vote of the electors voting on the proposition. At the next general election after the passage of this amendment, the following proposition shall be submitted in each county...in the state to which this law may apply, namely May the provisions of the high school act of 1905 as amended by the laws of 1907 and 1908 apply in this county.³⁴

31. Laws, 1905. ch. 397, sec. 10.

32. Ibid.

33. Ibid.

34. Laws, Special Session, 1908. ch. 69, sec. 2.

BENEFITS AND EFFECTS OF THE BARNES LAW
UPON THE HIGH SCHOOL GROWTH

Before the Barnes Law went into effect after its passage there were three high school systems operating in the state of Kansas. A brief review of their organization will show the need of some means for free tuition, for boys and girls living outside of organized districts.

The city high school, which includes high schools in cities of the first, second and third classes and also villages. This high school was open only to those who live within the city limits unless a payment of tuition is made for the privilege.¹

County high school system:

There are twenty-two counties in the state of Kansas which maintain county high schools...owing to the fact that.. .there are many counties that cannot establish a county high school, because of rival towns within their borders, has somewhat limited the number of this splendid and efficient means of secondary education.²

Union high school district:

Union high school district which is formed by the union of several districts, each maintaining its own separate school but maintaining at some central point of the district for high school purposes.³

From the above it is evident that only twenty-two high schools in as many counties provided free tuition for secondary pupils on a county wide basis. The other two plans provided only for those pupils residing within the district bounds.

State Superintendent I. L. Dayhoff, in his Biennial Report of 1906, considered the Barnes Law the most important high school

1. Biennial Report, Superintendent of public instruction, 1905-1906.
2. Ibid.
3. Ibid.

measure since the county high school law of 1886. He is quoted as saying, "It will form as planned one of the strongest divisions of the high school work of the state." Under the provision that each county vote on whether the act shall apply in the county, "eighty-three counties will vote on the proposition at the general election of 1906."⁴

In the Biennial Report of 1907-1908 the only mention made of the counties adopting the Barnes plan is in the following quotation:

During the last year, according to figures compiled by the University, some ninety high schools have taken advantage of the law, and fifty more high schools are preparing to enjoy its benefits the coming year. In a great majority of the high schools now operating under the terms of this law the teaching force has been increased, laboratory supplies have been added to materially, and in many instances the communities have enlarged the high school buildings or have built new ones because of the impetus given the high school idea. Through statistics gathered from the county superintendents, it is found that in many instances the enrollment in these high schools has largely increased and in a number of schools fully fifty per cent.⁵

At the time of the 1909-1910 Biennial Report there were twenty-three counties operating under the county high school plan, forty-seven counties without free tuition and thirty-five counties under the Barnes Law. However, in checking over the counties operating under the law, thirty-seven were listed as follows: Allen, Barber, Barton, Butler, Clark, Comanche, Cowly, Doniphan, Edwards, Finney, Ford, Gray, Hamilton, Harvey, Jefferson, Kearney, Kingman, Leavenworth, Lincoln, Logan, Lyon, Marshall, Ness, Osborne, Pratt, Rice, Russell, Saline, Sedgwick, Seward, Stafford, Wabaunsee,

4. Biennial Report, Superintendent of public instruction, 1905-1906.

5. Ibid., 1907-1908.

Wallace, Wilson, Woodson and Wyandotte.

These thirty-seven counties that adopted the Barnes Plan and provided free tuition for each high school in the county are in addition to the twenty-two county high schools. In these thirty-seven counties there were one hundred sixteen high schools enjoying its privileges within five years from the time the law was enacted.

Other counties were added from year to year, beginning with Meade and Shawnee counties in 1912. Neosho was added to the list in 1917, bringing the total of Barnes Counties to forty.

Wallace county replaced the Barnes plan by establishing a Community High School in 1921 but Rooks county was added to the list in 1923, bringing the number of counties again to forty, which has not been altered to this writing (1941).

TABLE VII
COUNTY HIGH SCHOOLS

County high schools as listed in the biennial report of the State Superintendent of Public Instruction of 1905-1906.

County	Location	Founded
Atchison	Effingham	1891
Chase	Cottonwood Falls	1903
Cherokee	Columbus	1901
Cheyenne	St. Francis	1903
Clay	Clay Center	1900
Crawford	Cherokee	1903
Decatur	Oberlin	1903
Dickenson	Chapman	1893
Gove	Gove	1903
Kiowa	Greensburg	1905
Labette	Altamont	1893
Lane	Dighton	1902
Montgomery	Independence	1897
Norton	Norton	1899
Rawlins	Atwood	1905
Reno	Nickerson	1903
Scott	Scott	1901
Sheridan	Hoxie	1903
Sherman	Goodland	1901
Sumner	Wellington	1897
Thomas	Colby	1897
Trego	Wakeeney	1905

TABLE VIII

GROWTH OF NUMBER OF BARNES COUNTIES
AND HIGH SCHOOLS

This table shows the number of high schools and counties beginning with the first report of 1910 and at intervals of a few years to the last report of 1937.

Date ending June 30	Number of schools	Number of counties
1910	130	37
1912	140	38
1913	164	39
1917	187	40
1921	220	39
1923	238	40
1925	255	
1930	260	
1935	272	
1937	257	

BARNES COUNTIES AND HIGH SCHOOLS

County	Cities	Legal organization	Valuation	Teachers	Enrollment
Allen					
	Iola	sec	\$4,776,098	16	402
	LaHarpe	sec	595,998	7	125
	Humboldt	sec	3,438,427	12	232
	Geneva	CVS	194,357	2	14
	Mildred	CVS	107,860	3	62
	Moran	CVS	119,175	6	30
	Elsmore	CVS	112,285	3	38
	Savonburg	CVS	104,050	2	30
Barber					
	Lake City	RHS	1,421,016	5	24
	Sharon	RHS	1,472,652	7	57
	Sun City	RHS	959,765	4	39
	Medicine Lodge	CVS	1,703,020	16	207
	Kiowa	CVS	1,651,636	12	163
	Hazelton	CVS	746,523	6	53
	Isabel	cons	959,763	5	61
	Hardtner	CVS	552,596	6	71
Butler					
	Andover	CVS	824,042	5	45
	El Dorado	sec	7,821,670	22	713
	Douglass	CVS	1,060,199	11	177
	Rose Hill	CVS	997,102	5	52
	Cassody	RHS	2,112,694	4	32
	Benton	CVS	889,788	6	70
	Towanda	CVS	558,259	6	78
	Leon	RHS	1,410,502	8	148
	Latham	RHS	1,145,606	6	79
	Potwin	CVS	758,474	5	30
	Whitewater	CVS	1,142,490	11	214
	Rosalia	CVS	705,940	5	52
	Agusta	sec	4,047,051	28	755
	Midian	CVS	613,914	5	34

County	Cities	Legal organization	Valuation	Teachers	Enrollment
Barton					
	Great Bend	sec	\$7,484,379	28	735
	Hoisington	sec	3,218,279	20	370
	Ellinwood	CVS	1,999,229	10	227
	Claflin	CVS	936,223	6	99
	Pawnee Rock	RHS	2,101,138	8	99
Clark					
	Ashland	CVS	1,351,604	12	160
	Englewood	CVS	907,109	6	52
	Minneola	RHS	2,277,462	9	133
Coffey					
	Le Roy	CVS	554,727	7	87
	Waverly	CVS	568,062	7	98
	Lebo	CVS	783,146	6	97
	Strawn	RHS	648,694	7	124
	Gridley	RHS	1,585,982	4	37
	Burlington	sec	1,379,676	15	342
Comanche					
	Coldwater	CVS	8,307,772	11	212
	Protection	cons	967,534	10	137
	Wilmore	cons	8,352,476	6	48
Cowley					
	Arkansas City	sec	11,647,738	28	755
	Atlanta	RHS	1,419,099	7	91
	Burden	CVS	757,359	7	178
	Dexter	CVS	505,707	5	77
	Cambridge	RHS	2,006,856	7	59
	Udall	CVS	470,607	5	130
	Winfield	sec	8,857,936	23	620
Doniphan					
	Bendena	RHS	2,117,689	4	26
	Denton	RHS	2,054,586	4	38
	Doniphan	RHS	740,543	3	28

County	Cities	Legal organization	Valuation	Teachers	Enrollment
	Elwood	CVS	\$ 802,670	4	54
	Highland	RHS	2,380,827	6	86
	Leona	RHS	893,186	4	30
	Severance	RHS	1,461,295	4	40
	Sparks	RHS	596,747	3	28
	Troy	RHS	3,413,024	10	175
	Wathena	RHS	2,360,111	8	133
	White Cloud	CVS	922,268	4	55
Edwards					
	Belpre	RHS	1,913,399	6	79
	Centerview	RHS	822,871	3	44
	Fellsburg	RHS	746,214	3	20
	Kinsley	sec	1,992,254	16	192
	Lewis	RHS	1,786,305	7	81
	Offerle	RHS	1,545,776	4	48
	Trusdale	RHS	994,623	7	80
Finney					
	Garden City	sec	4,798,422	15	341
	Holcomb	cons	2,139,629	7	95
	Pierceville	RHS	851,761	3	18
Ford					
	Bloom	RHS	2,092,754	6	46
	Bucklin	CVS	1,186,371	8	105
	Dodge City	sec	9,290,936	20	494
	Ford	RHS	1,862,295	7	75
	Kingsdown	cons	1,068,832	7	41
	Spearville	CVS	870,018	8	116
Gray					
	Cimarron	cons	2,072,735	10	203
	Copeland	RHS	1,415,785	5	43
	Ensign	RHS	1,621,485	4	63
	Ingalls	RHS	2,509,638	7	123
	Montezuma	RHS	2,437,161	5	86

County	Cities	Legal organization	Valuation	Teachers	Enrollment
Hamilton					
	Coolidge	cons	\$ 666,063	4	37
	Kendall	RHS	1,182,336	3	26
	Syracuse	CVS	1,886,199	11	149
Harvey					
	Burrton	CVS	1,567,338	8	134
	Halstead	CVS	1,535,274	11	154
	Newton	sec	9,631,488	48	1310
	Sedgwick	CVS	1,168,310	8	99
	Walton	CVS	1,210,831	7	67
Jefferson					
	Meriden	RHS	1,690,058	5	85
	Nortonville	CVS	717,600	6	115
	McLouth	RHS	1,699,575	7	67
	Oskaloosa	RHS	1,913,616	7	134
	Ozawkie	RHS	969,716	4	53
	Perry	RHS	4,301,951	7	135
	Rock Creek	RHS	777,323	2	24
	Valley Falls	CVS	1,014,266	8	163
	Winchester	RHS	2,298,011	6	84
Kearney					
	Deerfield	RHS	1,990,525	5	38
	Lakin	RHS	4,688,248	8	84
Kingman					
	Adams	RHS	840,388	3	29
	Belmont	RHS	784,783	4	34
	Cunningham	RHS	2,652,007	7	77
	Kingman	sec	2,653,280	15	391
	Nashville	RHS	1,203,131	4	43
	Norwich	RHS	2,001,655	7	89
	Penalosa	CVS	384,084	3	19
	Spivey	RHS	835,757	5	43
	Zenda	RHS	1,583,474	4	40

County	Cities	Legal organization	Valuation	Teachers	Enrollment
Leavenworth					
	Basehor	RHS	\$1,380,566	5	16
	Easton	RHS	1,784,897	4	71
	Jarbalo	RHS	1,157,316	4	49
	Lansing	RHS	2,022,575	6	106
	Linwood	RHS	1,815,066	5	51
	Tonganoxie	RHS	3,310,156	9	143
Lincoln					
	Barnard	CVS	379,468	6	77
	Beverly	RHS	2,664,462	7	103
	Lincoln	CVS	1,769,680	14	303
	Sylvan Grove	CVS	670,420	6	98
	Vesper	cons	737,323		
Logan					
	Monument	cons	895,260	5	49
	Oakley	cons	2,278,513	9	178
	Page City	cons	630,586	4	34
	Russell Springs	cons	358,405	4	57
	Winona	cons	1,254,543	7	94
Lyon					
	Admire	RHS	1,399,312	5	58
	Allen	RHS	1,274,599	5	27
	Americus	RHS	1,838,931	5	121
	Bushong	RHS	1,051,359	5	33
	Emporia	sec	18,448,031	26	719
	Hartford	cons	698,650	6	91
	Miller	RHS	1,085,769	5	39
	Neosho Rapids	RHS	2,040,674	5	49
	Reading	RHS	2,117,397	5	62
Marshall					
	Axtell	CVS	655,454	7	55
	Beattie	CVS	610,236	5	80
	Blue Rapids	CVS	1,172,905	9	110
	Frankfort	CVS	1,025,659	11	249

County	Cities	Legal organization	Valuation	Teachers	Enrollment
	Irving	CVS	\$ 575,665	4	32
	Lillis	RHS	1,083,796	3	21
	Marysville	sec	3,702,747	18	539
	Oketo	CVS	399,270	3	30
	Summerfield	CVS	324,622	4	80
	Vermillion	CVS	447,521	4	79
	Waterville	CVS	818,676	10	110
Meade					
	Fowler	CVS	1,551,206	9	124
	Meade	CVS	1,282,192	11	240
	Plains	cons	2,069,057	10	133
Neosho					
	Chanute	sec	8,078,952	39	629
	Erie	CVS	926,369	9	122
	Galesburg	CVS	270,715	3	48
	St. Francis	CVS	173,635	6	140
	St. Paul	CVS	253,951	6	80
	Stark	RHS	1,190,286	4	60
	Thayer	CVS	471,171	6	81
Ness					
	Arnold	cons	601,512	3	37
	Bazine	RHS	2,386,608	8	98
	Beeler	RHS	1,393,586	4	35
	Brownell	RHS	1,072,765	4	34
	Ness City	CVS	957,014	8	207
	Ransom	RHS	1,356,006	8	85
	Utica	RHS	905,509	6	74
Osborne					
	Alton	RHS	1,020,129	7	100
	Covert	RHS	911,142	5	38
	Downs	CVS	1,172,128	10	154
	Natoma	CVS	946,888	5	83
	Osborne	sec	1,951,580	16	231
	Portis	CVS	459,957	5	44

County	Cities	Legal organization	Valuation	Teachers	Enrollment
Pratt					
	Byers	RHS	\$1,033,163	7	66
	Coats	RHS	1,654,049	5	49
	Cullison	RHS	3,021,701	8	67
	Pratt	sec	6,297,198	13	344
	Preston	cons	1,564,547	7	62
	Sawyer	RHS	1,651,644	6	44
Rice					
	Alden	cons	1,117,277	5	70
	Bushton	RHS	4,713,791	5	79
	Chase	RHS	9,351,397	7	154
	Geneseo	CVS	456,169	4	74
	Little River	CVS	1,015,641	6	130
	Lyons	sec	3,844,771	13	359
	Raymond	RHS	3,436,050	4	45
	Sterling	sec	2,452,536	11	234
Rooks					
	Codell	RHS	806,015	4	49
	Damar	cons	368,728	4	38
	Palco	cons	631,185	7	106
	Plainville	CVS	1,069,055	7	151
	Stockton	CVS	1,133,196	9	167
	Webster	RHS	756,494	5	75
	Woodston	RHS	1,483,995	6	73
Russell					
	Bunkerhill	CVS	900,384	5	76
	Dorrance	RHS	2,291,135	6	61
	Lucas	CVS	672,679	6	96
	Luray	CVS	638,645	6	83
	Waldo	RHS	1,054,569	5	50
	Paradise	RHS	2,100,570	5	50
	Russell	sec	5,104,905	19	465
Saline					
	Assaria	RHS	3,094,045	5	81
	Bavaria	RHS	1,471,495	2	21
	Brookville	RHS	2,088,880	3	50

County	Cities	Legal organization	Valuation	Teachers	Enrollment
	Falun	RHS	\$1,573,083	3	34
	Glendale	RHS	870,739	2	20
	Gypsum	CVS	667,580	6	81
	Kipp	RHS	2,028,490	3	37
	Smolan	RHS	1,491,920	3	51
Sedgwick					
	Andale	RHS	1,838,931	5	121
	Bentley	RHS	1,316,369	3	57
	Cheney	CVS	777,235	5	85
	Clearwater	CVS	877,796	7	125
	Derby	CVS	630,960	4	73
	Garden Plain	cons	996,492	3	60
	Goddard	cons	1,100,053	4	50
	Maize	cons	1,387,668	6	83
	Mount Hope	cons	1,430,808	5	67
	Mulvane	CVS	1,352,117	7	124
	Valley Center	CVS	1,328,016	11	252
	Viola	CVS	761,718	3	27
Seward					
	Liberal	sec	4,135,016	26	512
	Kismet	RHS	2,616,115	7	94
Shawnee					
	Auburn	RHS	1,627,401	5	44
	Berryton	RHS	2,545,230	6	77
	Dover	RHS	1,716,919	5	52
	Highland Park	RHS	9,857,370	18	391
	Rossville	RHS	2,824,535	7	86
	Seaman	RHS	5,364,388	15	285
	Silver Lake	RHS	3,641,618	8	119
	Washburn	RHS	3,670,923	9	93
Stafford					
	Antrim	RHS	987,641	5	43
	Hudson	CVS	490,846	4	43
	Macksville	CVS	829,838	10	153
	Radium	cons	919,564	5	63

County	Cities	Legal organization	Valuation	Teachers	Enrollment
	St. John	CVS	\$1,355,483	14	243
	Stafford	CVS	1,636,502	16	360

Wabaunsee

	Alma	CVS	911,628	8	145
	Alta Vista	CVS	445,988	5	123
	Eskridge	RHS	2,483,500	7	126
	Harveyville	RHS	1,683,201	5	90
	Maplehill	RHS	1,782,115	5	67
	Paxico	RHS	1,459,787	5	96

Wilson

	Altoona	CVS	384,113	4	99
	Benedict	cons	483,570	5	76
	Buffalo	CVS	383,314	5	82
	Coyville	cons	361,215	3	57
	Fredonia	sec	2,452,061	18	395
	Lafontaine	CVS	159,949	2	36
	Neodesha	sec	3,903,000	25	576
	Vilas	RHS	1,083,402	4	44

Woodson

	Neosho Falls	CVS	286,158	3	59
	Toronto	CVS	538,393	5	109
	Vernon	RHS	244,445	3	20
	Yates Center	sec	1,378,556	15	303

Wyandotte

	Bethel	RHS	2,625,613	14	330
	Bonner Springs	sec	2,453,913	11	220
	Edwardsville	CVS	448,900	4	61
	Piper	RHS	1,138,491	4	40
	Turner	CVS	2,633,117	11	247

TOTALS	40 counties, 260 schools			1966	33,758
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Of the 260 high schools, 104 are RHS, 101 CVS, 27 cons, and 28 sec.

SUMMARY

Preceding the 1905 concurrence of the Kansas legislature, there were only twenty-two high schools in Kansas that were free of tuition for pupils living outside of an organized district. These twenty-two schools had been organized under the county high school act of 1886 and at the time of the passage of the Barnes act it was the only provision for free tuition on a scale larger than the common school district or the union school district.

In view of the fact that the county high school act would not apply to many counties of Kansas, J. S. Barnes and R. F. Click of Pratt wrote and sent to the school men of Kansas a proposed bill for the support of high schools. The bill met with their approval and was introduced into the Kansas legislature by Mr. Barnes, a member of the house.

Upon the third reading and final vote it passed the house with eighty yeas and seventeen nays. In the senate the final vote was twenty-seven yeas and no nays. It became a law upon publication in the Topeka Daily Capital March 3, 1905.

The act provided for a tax levy on all taxable property within a county, which had voted at a general election to adopt the plan, for a general fund to be apportioned to the high schools of the county.

By carefully investigating the Session Laws and the General Statutes of Kansas it was found many changes had been made in the

sections providing for the, "general levy", "estimate of making the levy", "distribution of funds", "levy and apportionment in joint districts", and special sections for certain counties."

At the general election following the enactment of the Barnes Law, eighty-three counties were to vote on the adoption of its provisions.

The Biennial Report of the State Superintendent of Public Instruction for 1907-1908 listed thirty-seven counties as adopting the plan, thus the high schools in these counties were enjoying free tuition for all eligible pupils in the county for the first time. The number of counties increased to forty but the number of high schools gradually increased from ninety in the report of 1907-1908 to two hundred sixty in the report of 1937-1938.

The educational directories list one hundred four rural high schools, one hundred one third-class city or village schools, twenty-seven consolidated schools and twenty-eight second-class city systems operating under the provisions of the Barnes Law. In these two hundred sixty schools there is a total of 1966 teachers and 33,758 pupils enrolled.

The valuation of the districts vary greatly in proportion to the number of teachers employed and the enrollment of the schools. This variation is found in each of the four types of legal organization maintaining high schools.

CONCLUSION

The Barnes Plan has been a stimulation to the growth of high schools in Kansas. The authors of the law hoped to provide for three or maybe four high schools in each county but through amendments the law has been generous enough to provide for more high schools than district valuation and enrollment seemed advisable to organize.

REACTIONS

After reflective thought the writer wishes to state his reactions to the study, and the Barnes Law in particular, since he has taught several years in Barnes County high schools as well as in tuition county high schools.

If the forty Tuitions Counties were to come under the Barnes Law, existing district boundary lines would disappear and the evil of schools bidding against each other for tuition pupils would also vanish.

The tuition plan provides that a high school shall receive three dollars per week or fraction thereof for each pupil attending the high school, who lives outside of a high school district. This amount is paid on the attendance of the current year while the amount paid to each school under the Barnes Law is based on the attendance and number of teachers in the county the preceding school year. Thus a

Barnes Law high school is more in keeping with recent legislation providing for a cash basis of operation.

In many counties in western Kansas rural population has declined to the point where the funds collected in Tuition Counties is insufficient to aid materially in high school support.

From the reports of the Research Department of the Kansas Legislative Council there is general satisfaction among the high school principals with the plan in Barnes Law Counties and certain principals who had had experience under different plans expressed a preference for the Barnes Plan over the Tuition Plan.

In the opinion of the writer the Barnes Law with amendments providing for the first class cities and community high schools, could easily and successfully be extended to all counties in the State of Kansas.

TABLE IX
COMPARATIVE SUMMARY

RURAL HIGH SCHOOLS				
Total 104				
School	County	Valuation	Teachers	Enrollment
Lakin	Kearney	\$4,688,248	8	93
Strawn	Coffey	648,694	7	124
CONSOLIDATED				
Total 27				
Wilmore	Comanche	\$8,352,476	6	48
Russell Springs	Logan	358,405	4	37
THIRD CLASS CITY OR VILLAGE SCHOOLS				
Total 101				
Coldwater	Comanche	\$8,307,772	11	212
Savonbury	Allen	104,050	2	30
SECOND CLASS CITY				
Total 28				
Emporia	Lyon	\$18,448,031	26	719
Burlington	Coffey	1,379,676	15	342

GLOSSARY

Chapter 397, Laws of 1905-----The Barnes Law.

Committee of the Whole-----A legislative body, house or senate,
acts as a committee.

cons.-----Consolidated school system.

CVS-----Common school district maintaining a high school.

General order-----The calendar or schedule of considering legis-
lative matters.

RHS-----Rural high school.

Sections 9320-9329, General Statutes of 1915-----The Barnes Law.

sec.-----Second class city school systems.

Special order-----Legislative body sets a time to give considera-
tion of legislation aside from the regular calendar.

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lication of the Barnes Law.

PUBLIC DOCUMENTS

Kansas Legislature, Session Laws, Topeka, Kansas, 1905-1931.

The amendments and changes which were made in the
Barnes Law were taken from the series of Session Laws.

Kansas Legislature, General Statutes 1909, Topeka, pub. 1910,
p. 2474.

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was procured from this source.

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These contained the record of the counties as they adopted the Barnes Plan and the high schools that came under its influence.

, Educational Directory, 1941, Topeka, 1938-1941.

The valuation, legal organization, number of teachers, and enrollment of the Barnes High Schools.

PERSONAL INTERVIEW

Humble, W. W. Pratt, Kansas, June 16, 1941.

Told of interesting events in the life of J. S. Barnes.

Click, R. F. Pratt, Kansas, June 16, 1941.

Told of the efforts he and Mr. Barnes exerted in behalf of the Barnes Law.

Wells, T. W. Hays, Kansas, June, 1941.

Gave definitions of legislative terms.

LETTER

Stacey, W. A. Letter, Topeka, June 24, 1941.

Gave definitions of the legal organizations of schools
as found in the Kansas Educational Directories.

CHAPTER XX.—HIGH SCHOOLS

ARTICLE 1—Barnes Law High Schools

481. Levy for General High-school Fund. [72-3001] In every county in the state of Kansas in which one or more school districts or cities of less than sixteen thousand inhabitants shall have maintained high schools with courses of instruction admitting those who complete the same to the freshman, sophomore or junior class of the college of liberal arts and sciences of the university of Kansas, the county commissioners shall levy a tax each year of not less than one-fourth of a mill nor more than four and one-half mills on the dollar of the assessed valuation of the taxable property within such counties for the purpose of creating a general high-school fund: *Provided*, That in counties of less than 4,000 inhabitants and in which there is only one high school operating under the provisions of this act, the county commissioners of such county may levy three-fourths mill for the purpose of aiding such high schools in the construction, maintenance and upkeep of such high-school buildings. (L. 1905, ch. 397, sec. 1; L. 1913, ch. 277, sec. 1; L. 1920, ch. 52, sec. 10; Jan. 25; R. S. Supp. 1930.)

Annotations to L. 1905, ch. 397, sec. 1:

Proposition not legally adopted; no estoppel by levy under misapprehension. *Humboldt v. Klein*, 79 K. 209.

Commissioners' power to levy taxes superseded by 1907 and 1909 enactments. *Board of Education v. Allen County*, 82 K. 782, 786.

Mandamus to compel county commissioners to make proper levy. *School District v. Wilson County*, 82 K. 806, 809, 812; *Board of Education v. Shepherd*, 90 K. 628, 629.

Act held constitutional and valid. *Armstrong v. George*, 84 K. 248, 250.

Taxes illegally collected legalized by curative act. *The State, ex rel., v. Eberhardt*, 85 K. 433, 434.

Districts created under ch. 311, L. 1915, not within operation of this act. *Fisher v. Beck*, 99 K. 180.

Law adopted at general election; applicable from time of canvass of vote. *School District No. 6 v. Rooks County*, 115 K. 631, 223 P. 819.

Excessive levy voted at annual meeting may be enjoined. *Jackson v. Joint Consolidated School District*, 123 K. 326, 255 P. 87.

Section cited in considering statutory authority for collection of tuition. *School District v. Community High School*, 126 K. 51, 267 P. 23.

Section governs tax levy for Barnes high schools in Stafford county. *School District v. Hahn*, 126 K. 117, 267 P. 28.

Section cited in considering liability for tuition in adjacent counties. *School District v. Kingman County Commissioners*, 127 K. 292, 273 P. 427.

Common schools have authority to give instruction in high-school studies. *Woodson v. School District*, 127 K. 651, 655, 274 P. 728.

Cited in holding dissolution of consolidated-school district illegal. *State, ex rel., v. Conley*, 139 K. 687, 33 P. 2d 165.

482. Levy Made, When. [72-3002] The first levy shall be made when the result of the election or petition is determined, and a similar levy shall be made each year thereafter: *Provided*, No levy shall be made until one or more such high schools shall have been maintained in the county the preceding school year. (L. 1905, ch. 397, sec. 2; R. S. Supp. 1930.)

Proposition not legally adopted; no estoppel by levy under misapprehension. *Humboldt v. Klein*, 79 K. 209.

Mandamus to compel county commissioners to make proper tax levy. *School District v. Wilson County*, 82 K. 807.

High schools which came within provisions of act, considered. *The State v. Pauley*, 83 K. 456. County should make tax levy soon as Barnes law adopted. *School District No. 6 v. Rooks County*, 115 K. 631, 223 P. 819.

Excessive levy voted at annual meeting may be enjoined. *Jackson v. Joint Consolidated School District*, 123 K. 325, 255 P. 87.

483. Funds Collected. [72-3003] Said tax shall be levied and collected in the same manner as other county taxes, and when collected, the county treasurer shall pay the same to the treasurers of the school districts maintaining high schools and high-school extension courses, if any, according to the provisions of this act, as required by law, but no part of said general high-school fund shall ever be used for other than high-school and high-school extension purposes. (L. 1905, ch. 397, sec. 3.)

Mandamus to compel treasurer to pay over school-district money. *The State v. Pauley*, 83 K. 456, 457.

Rural high schools cannot share in levy under Barnes law. Fisher Common school may conduct high school within statutory limitation of levy. *Woodson v. School District*, 127 K. 651, 656, 274 P. 728.

Act attempting to amend this section held unconstitutional and void. *School District v. Stafford County Comm'rs*, 141 K. 108, 109, 40 P. 2d 334.

Note: The three sections immediately following constitute a special act operative only in Shawnee county.

484. Application of Laws to Counties of 75,000 to 110,000. [72-3011a] That every county in the state having a population not less than 75,000 and not more than 110,000 which has heretofore complied with the provisions of Laws of 1905, chapter 397 and amendments thereto, shall certify the tax for the maintenance of the high schools of said county (excluding high schools in cities of the first class) and shall also distribute said tax in the manner hereinafter provided. (L. 1931, ch. 259, sec. 1; May 28.)

485. Levies Therein. [72-3011b] It shall be the duty of the county superintendent of public instruction, on or before the 25th day of July in each year, to certify to the board of county commissioners the number of teachers necessary for the several high schools complying with the provisions of this act in the county during the year ending on the 30th day of June preceding counting, for the purpose of this act, each superintendent and each principal as one teacher, and the county commissioners shall levy a tax not in excess of the limit prescribed by law, which levy shall be sufficient to produce \$1,500 multiplied by the number of teachers in the high schools complying with the provisions of this act. (L. 1931, ch. 259, sec. 2; May 28.)

486. Apportionment of Such Levies. [72-3011c] The funds produced by the tax provided in the preceding section shall (after each distribution of the tax by the county treasurer) be distributed to each high school entitled to participate in said funds in proportion to the number of teachers teaching in the high schools entitled to receive money per the preceding section, which number shall not be in excess of the number certified to the county commissioners by the county superintendent. The apportioned amount shall be certified to the county treasurer by the county superintendent of public instruction; and said county treasurer shall pay such proportion of such fund to the respective treasurers of boards of education and such school districts and rural high-school districts as are entitled to participate in said fund. (L. 1931, ch. 259, sec. 3; May 28.)

Note: The two sections immediately following deal with the mode of making an estimate for the tax levy for the Barnes Law fund. The two sections are nearly identical. The first, however, covers high-school extension courses and the second covers the allocation of the sales tax. Both sections are to be read for a full description of making the estimate.

487. Estimate for Making Levy. [72-3005] It shall be the duty of the county superintendent of public instruction on or before the twenty-fifth day of July in each year to certify to the board of county commissioners the number of teachers employed in the several high schools and high-school extension courses, if any, complying with the provisions of this act in the county during the year ending on the thirtieth day of June preceding, counting, for the purpose of this act, each superintendent and each principal as one teacher, and the county commissioners shall levy a tax, not in excess of the limit prescribed for this purpose by law, which levy shall be sufficient to produce an amount which, added to any residue in the fund and the full amount of any allocation of sales tax for the ensuing year, will equal \$1,200 multiplied by the number of teachers employed during the preceding year in the high school and high-school extension courses, if any, complying with the provisions of this act, which number shall have been determined and certified by the county superintendent as herein provided; and in case the county commissioners shall fail to make such levy, then the county superintendent of public instruction shall make a suitable levy and shall certify the same to the county clerk, who shall enter upon the tax rolls the levy so made by the county superintendent: *Provided*, That nothing in this act shall be construed as repealing the provisions of section 72-3301 of the General Statutes of 1935 or as preventing tax levies under said section. (L. 1938.)

488. High-school Levies under Barnes Law. [79-1961] It shall be the duty of the county superintendent of public instruction on or before the twenty-fifth day of July in each year to certify to the board of county commissioners the number of teachers employed in the several high schools complying with the provisions of chapter 397, Laws of 1905, and amendments thereto, in the county during the year ending on the thirtieth day of June preceding, counting, for the purpose of this act, each superintendent and each principal as one teacher, and the county commissioners shall levy a tax, not in excess of the limit prescribed for this purpose by law, which levy shall be sufficient to produce an amount which, added to any residue in the fund and the full 100 percent allocation of sales tax for the ensuing year, will equal \$1,200 multiplied by the number of teachers employed during the preceding year in the high schools complying with the provisions of chapter 397, Laws of 1905, and amendments thereto, which number shall have been determined and certified by the county superintendent as herein provided; and in case the county commissioners shall fail to make such levy, then the county superintendent of public instruction shall make a suitable levy and shall certify the same to the county clerk, who shall enter upon the tax rolls the levy so made by the county superintendent. (L. 1938.)

Annotations to L. 1907, ch. 333, sec. 1:
 Duty of county commissioners to make levies; certificate of superintendent. Board of Education v. Allen County, 82 K. 782, 783, 786.
 County commissioners may be compelled by mandamus to perform duty. School District v. Wilson County, 82 K. 806, 809, 811.
 Duty cannot be evaded on ground that commissioners have discretion. School District v. Wilson County, 82 K. 806, 809, 811.
 Attempted adoption of Barnes law; curative statute. The State v. Pauley, 83 K. 456, 457.
 Taxes illegally collected, legalized by curative act. The State, ex rel., v. Eberhardt, 85 K. 433, 434.
 Certificate of county superintendent determines amount to be levied. Board of Education v. Shepherd, 90 K. 628, 633.
 Action of county superintendent cannot be overruled unless arbitrary, etc. Board of Education v. Shepherd, 90 K. 628, 633.

County superintendent may lawfully file new certificate making necessary corrections. Board of Education v. Shepherd, 90 K. 628, 633.
 Presumed that county superintendent has performed duties in good faith. Board of Education v. Shepherd, 90 K. 628, 633.
 County and rural high schools subject to legislative modification or dissolution. The State, *ex rel.*, v. French, 111 K. 820, 824.
 Amount of levy based upon number of teachers employed during previous year. School District No. 6 v. Rooks County, 115 K. 631, 632, 223 P. 819.
 Duty of county superintendent to make and certify suitable levy. Board of Education v. Eubank, 121 K. 562, 247 P. 855; Jackson v. Consolidated School District, 123 K. 325, 327, 255 P. 88.
 Section governs tax levies for support of Barnes high schools. School district v. Hahn, 126 K. 117, 267 P. 28.

489. Distribution of Funds. [72-3006] That each high school entitled to participate in the funds produced by the tax provided for in the preceding section, shall receive \$1,200, and the balance of said funds shall be apportioned among such high schools in proportion to the total number of days of actual attendance of all pupils in the high schools of said city and districts during the school year immediately preceding said payment, which attendance of said pupils shall be certified to the county treasurer by the county superintendent of public instruction; and said county treasurer shall pay such proportion of such funds to the respective treasurers of boards of education and school districts and rural high-school districts as are entitled to participate in said fund. (L. 1920, ch. 54, sec. 1; L. 1925, ch. 235, sec. 2; R. S. Supp. 1930.)

Section considered in determining authority of common school to include high-school subjects. Woodson v. School District, 127 K. 651, 655, 274 P. 728.

490. Levy and Apportionment in Joint Districts. [72-3007] Whenever any high school to which this act shall apply shall be maintained in any joint school district or in any rural high-school district, lying partly in two or more counties in each of which the provisions of chapter 397 of the Laws of 1905 and amendments thereto shall be in force, the county superintendent having jurisdiction over such joint school districts, or the county superintendent of the county in which such rural high school is located, shall apportion the number of teachers employed in said high school to the several counties in which any part of said joint school district or said rural high-school district shall lie, in the proportion which the number of days of attendance in said high school of the pupils residing in each county shall bear to the total number of days of attendance in said high school during the school year preceding the levy of the tax provided for in section 72-3005 of the General Statutes Supplement of 1937 and amendments thereto, and said county superintendent shall report said apportionment to the county superintendents of the several counties in which any part of said joint school district or said rural high-school district shall lie, and said county superintendents shall certify the same to the county commissioners of their respective counties. Whenever any high school, meeting the requirements of chapter 397 of the Session Laws of 1905 and its amendments, shall be maintained in any joint school district or in any joint rural high-school district, any part of which district shall lie in any county in which the provisions of chapter 397 of the Laws of 1905 and amendments thereto shall be in force, with the high school situated in such county and under the supervision of the county superintendent thereof (such county hereinafter to be known and designated as county A) and part in a county in which said law is not in force (hereinafter to be known and designated as county B), it shall be the duty of the county superintendent of county A to notify the county superintendent of

county B on or before July 25 of each year of the levy made in county A under the provisions of chapter 397 of the Laws of 1905 and its amendments for the support of high schools in said county. The county superintendent of county B shall forthwith notify the county commissioners of said county of the amount of such levy and it shall be the duty of said county commissioners to extend such levy over that portion of the joint school district or joint rural high-school district lying within the limits of county B. The proceeds of such levy shall be paid in like manner with other taxes to the county treasurer of county B and by him remitted at least twice each year on February 1 and August 1 to the county treasurer of county A and by him placed to the credit of the joint school district maintaining a high school or the joint rural high-school district lying in these two counties. The county superintendent of county A in administering the provisions of chapter 397 of the Session Laws of 1905 and amendments thereto shall include in his calculations for determining the levy all high-school teachers employed in the high school of the district or joint rural high-school district referred to in this section and shall likewise include in the distribution of the high-school fund the average daily attendance of all pupils resident within such joint school district or joint rural high-school district. (L. 1939, ch. 255, sec. 1.)

NOTE.—Section originally referred to disbursement of funds as provided by L. 1917, ch. 281, secs. 2 and 3. Said sections superseded by L. 1920, ch. 54, sec. 1; see preceding section.

491. Additional Support. [72-3008] The board of education of any city, any school district, and any rural high-school district board may levy a tax, within the limits prescribed by law, to supplement the funds produced by the county tax provided for in this act. (L. 1917, ch. 281, sec. 5; R. S. Supp. 1930.)

High-school studies may be taught in common school with limitation of levy. Jackson v. Joint Consolidated School District, 123 K. 325, 327, 255 P. 88; Woodson v. School District, 127 K. 651, 655, 274 P. 728.

492. Report of Principal. [72-3004] It shall be the duty of the principal of each such high school, at the expiration of the school year, to make a report, under oath, to the county superintendent, showing the total enrollment and the daily attendance of each pupil, and the average daily attendance in high

school for that year, and to furnish such other reports as the county superintendent may require, and his last month's salary shall not be due until such reports shall have been duly made. (L. 1905, ch. 397, sec. 5; R. S. Supp. 1930.)

Principals furnish data upon which estimates for levy are based. Jackson v. Consolidated School District, 123 K. 325, 327, 255 P. 88.

493. Courses of Study. [72-3015] At least two courses of instruction shall be provided, each requiring four years' work, namely: a college preparatory course, which shall fully prepare those who complete it to enter the freshman class of the college of liberal arts and sciences of the university of Kansas, and a general course, designed for those who do not intend to continue school work beyond the high school. (L. 1905, ch. 397, sec. 8; R. S. Supp. 1930.)

Section prescribes courses of instruction required. Thurman-Watts v. Board of Education, 115 K. 328, 331, 222 P. 125.

494. Some Cities and Counties Exempt. [72-3016] That cities having more than 15,000 inhabitants, and counties having heretofore established county high schools and, where territory of a rural high-school district lies in two or more counties, and the county in which such school is located does not operate

under the provisions of chapter 397 of the Laws of 1905 and acts amendatory thereof or supplementary thereto, that part of the said district lying in adjoining counties which operate under the provisions of this act, shall be exempt from the operation of said act. (L. 1921, ch. 240, sec. 1; L. 1927, ch. 268, sec. 1; R. S. Supp. 1930.)

Tuition in city high schools; statute construed. *Blake v. Board of Education*, 112 K. 266, 267.

495. When in Force. [72-3017] This act shall not be in force in any county, or part of county, until its provisions are adopted therein by a majority vote of the electors voting on said proposition. At the next general election after the passage of this amendment, the following proposition shall be submitted in each county, or part of county, to which this law may apply, namely: "Shall the provisions of the high-school act of 1905, as amended by later enactments, apply in this county?" The election shall be conducted and such proposition shall be voted on and the votes then canvassed and returns made in all respects as provided by law. Whenever a majority of the voters voting on this proposition in any county, or part of any county, to which this law may apply, at such election shall be in favor of such proposition, the provisions of this act shall apply in such county, or part of county, from the time such result is ascertained. If the proposition fails to carry at the next general election, it may be submitted in each county, or part of county, to which this law shall apply, upon petition to the board of county commissioners, signed by twenty-five percent of the taxpayers of such county, or part of county, at any general election hereafter. (L. 1908, ch. 69, sec. 2. Revised, 1923; R. S. Supp. 1930.)

Annotation to L. 1905, ch. 397, sec. 10:

Act of 1905 required majority of voters voting at election. *Humboldt v. Klein*, 79 K. 209. Effect of curative statutes, considered. *The State v. Pauley*, 83 K. 456; *Armstrong v. George*, 84 K. 248; *Board of Education v. Shepherd*, 90 K. 628. Law becomes applicable from time of canvass of vote of adoption. *School District No. 6 v. Rocks County*, 115 K. 631, 223 P. 818. Adoption is under auspices of county, by a vote taken at general election. *Jackson v. Joint Consolidated School District*, 123 K. 325, 327, 255 P. 88. Cited in holding dissolution of consolidated-school district illegal. *State, ex rel., v. Conley*, 139 K. 687, 33 P. 2d 165.