

May issue bonds
—for what pur-
pose

of said county, bearing interest at the rate of seven per cent. per annum, the principal to be payable in not less than five years, and the interest at such times as the said commissioners may order, to be specified in the bonds.

Provision for
paying current
expenses

SEC. 2. Said county commissioners are also authorized to issue bonds bearing seven per cent. interest per annum, payable as above provided for, to defray the current expenses of the county, or to pay the interest on the bonds that may be issued in accordance with section one of this act; but not more than five thousand dollars of such bonds, issued in accordance with the provisions of this section, shall be outstanding at any one time, nor shall any bonds be issued except upon proper vouchers and to pay the actual indebtedness of the county, or to raise money for that purpose.

SEC. 3. This act shall take effect from and after its passage.

Approved February 3d, 1862.

CHAPTER XLI.

An Act for the Establishment and better Regulation of the Common Schools of the City of Winona.

- SECTION 1. City of Winona constituted one school district.
2. Election of school directors—qualifications—term of office.
 3. Vacancies how filled.
 4. What to constitute board of education—quorum.
 5. Election of officers—when.
 6. Official term of officers.
 7. Who to preside at meetings of the board.
 8. Duty of clerk of said board.
 9. When clerk to make report—what to contain.
 10. Who take census of persons between the ages of five and twenty-one years.
 11. Duty of superintendent.
 12. Power of board of education.
 13. Who to be trustees of the district library.
 14. When estimate to be made of amount of money required to defray expenses of school during ensuing financial year.
 15. Provisions for government of board of education in making expenditures.
 16. When deemed expedient may purchase lot or site.

- SECTION 17.** Power to sell when advisable, school house, lot or site.
 18. In whom title vested.
 19. Rules and regulations that govern said board.
 20. Power of city council.
 21. Who to authorize special school tax to be levied upon all taxable property—for what purpose.
 22. City council may pass such ordinances and regulations as may be deemed necessary—for what purpose.
 23. What money to be received for taxes.
 24. Responsibility of treasurer.
 25. Duty of treasurer.
 26. Disposition of funds in treasurer's hands.
 27. Final settlement with treasurer.
 28. For what offenses suits to be prosecuted.
 29. In whose name suits brought against said board.
 30. Judgments recovered against said board, how paid.
 31. To have power to organize one or more schools under their charge.
 32. This act to supercede all former acts.
 33. This act not to be affected by any subsequent act unless specifically mentioned therein.
 34. Repeal of acts inconsistent with this act.
 35. This act declared a public act—when to take effect.

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

SECTION 1. That the territory within the corporate limits of the city of Winona, shall constitute one school district for the regulation and management of the public schools in said city, and shall be under the direction and control of a board of education, and shall have the powers and shall be subject to the liabilities and limitations prescribed in this act.

What to be constituted one school district

SEC. 2. At the time of the charter election, in April, 1862, there shall be elected by the legal voters of each ward in said city, in the same manner as charter officers are by law elected, two school directors, and annually thereafter, there shall be elected in the same manner one school director in each ward, who shall be residents of the ward for which they are elected. The persons so elected, within ten days after their election, shall qualify by taking an oath to support the constitution of the United States and of this State, and to faithfully discharge the duties of their office, and shall file the same with the clerk of the board of education. The term of office of directors shall be two years and until their successors are elected and qualified; *Provided*, That the directors elected in each ward in April, 1862, shall, at the annual meeting of the board of education thereafter, be divided into two classes, by placing three ballots numbered "1," and three ballots numbered "2," in a proper receptacle, from which the directors shall draw each one ballot, and those directors who shall draw ballots numbered "1," shall remain in office one year, and those di-

Election of school directors—qualifications—term of office

rectors who shall draw ballots numbered "2," shall remain in office two years; *and provided further*, That vacancies occurring fifteen days prior to any charter election, shall be filled at such election.

Vacancies how filled,

SEC. 3. In case of vacancy in the office of any director by death, resignation, or removal from his ward, the city council of said city, shall have power to appoint his successor, who shall qualify as provided in section two of this act, and shall continue in office until the next succeeding charter election, and any election to fill a vacancy shall be for the unexpired term only.

What to constitute board of education—quorum

SEC. 4. The school directors thus chosen and qualified, shall constitute the board of education of the city of Winona, which shall be a body corporate in relation to all the powers and privileges conferred on them by the provisions of this act, and may sue and be sued in any court of this State having competent jurisdiction. A majority of the board shall form a quorum. Their official term shall commence on the third Monday of April, in the year of their election.

Election of officers—When

SEC. 5. An annual meeting of the board of education shall be held at the office of the clerk of the board on the third Monday in April at 9 o'clock A. M. at which meeting the board shall elect a president, clerk and superintendent of schools. The president and clerk shall be chosen from the directors elected by the people. The members of the board shall perform their duties without compensation, *Provided*, That the clerk and superintendent shall receive such compensation as may be fixed by the board, and approved by the city council.

Official term of office

SEC. 6. The official term of the president, clerk and superintendent shall be one year, *Provided*, That the board may at any time, for satisfactory reasons, remove any officer and fill vacancies.

Who to preside at meeting of board

SEC. 7. The president shall preside at the meetings of the board, shall sign all orders upon the treasury, and perform such other duties as the board may prescribe.

Duty of clerk

SEC. 8. The clerk shall keep the records and accounts of the board, and shall perform such other duties as the board may prescribe, and such records, and all books and papers of his office shall at all times be open to the inspection of the city council, or of any committee thereof, and a copy thereof, or of any part thereof, certified by the clerk shall be *prima facie* evidence in all courts of this State of the facts therein set forth.

SEC. 9. It shall be the duty of the clerk on or before the fifteenth day of September in each year, to prepare and transmit to the county auditor, or other officer designated by law to receive the same, and to the State superintendent of schools, a report in writing, bearing date the first day of September of the proper year and showing :

First. The number and grade of the city public schools.

Second. The length of time the schools have been in operation during the preceding year.

Third. The number of male and female pupils who have attended such school.

Fourth. The average attendance during the session.

Fifth. The amount of public money received.

Sixth. The estimated special school tax levied.

Seventh. The amount of special tax realized.

Eighth. The amount of moneys received from all other sources and from whence derived.

Ninth. The manner in which all moneys have been expended ; and moneys devoted to special purposes shall be stated separately in the report.

Tenth. The number of persons between five and twenty-one years of age residing in his district on the first day of October preceding, or such other time as may be provided by law for ordinary school districts.

Eleventh. Such other information as may be required by the State superintendent of schools.

SEC. 10. The clerk shall take a census of all persons residing in his district, between the ages of five and twenty-one years, on the day fixed by law for ordinary school districts, and shall immediately report the number to the county auditor and to the State superintendent of schools, and such report shall form the basis of all apportionments of public moneys for his district made subsequent to its date.

SEC. 11. The superintendent elected by the board, shall in presence of the board, hold a public examination of all persons making application to teach in the city schools, with regard to moral character, learning and aptitude to teach, and shall give certificate to those so examined, who may by him, and a majority of the board, be deemed suitably qualified. He shall visit each school at least once each month, and from time to time shall re-

When clerk to
make report—
what to contain

Who to take cen-
sus.

Duty of superin-
tendent

port their condition to the board, with such suggestions for their improvement as he may deem proper. He shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board may prescribe.

SEC. 12. The said board of education shall have power and it shall be their duty—

First. To establish and organize such and so many public schools in the several wards of said city, having due regard to the convenience of the inhabitants thereof, as they shall deem requisite and expedient, and to alter and discontinue the same.

Power of board
of education

Second. To purchase or hire sufficient school houses, rooms, lots and sites for school houses, and to fence, and improve the same, and to build, enlarge, alter, improve and repair school houses upon lots or sites owned, or leased, or set apart by said city, for school purposes; *Provided,* That no contract for the purchase or lease of any site for the purpose of building thereon, shall be valid and binding, until the city council shall approve and ratify the same.

Third. To purchase, exchange, improve and repair school apparatus, furniture and appendages, to provide books for indigent pupils and fuel for the schools, and to defray the contingent expenses of the schools and of the district library.

Fourth. To have the custody, safe-keeping and control of the school houses, lots, sites and appurtenances, the books, furniture, and all other school property belonging to the city.

Fifth. To contract with and employ all teachers in the public schools of the city, and at their pleasure to remove them; *Provided,* That no teacher shall be employed until he shall have procured a certificate of qualification from the superintendent.

Sixth. To pay the wages of such teachers out of the public moneys apportioned and appropriated to said district as far as the same may be sufficient, and the residue thereof from the moneys raised or to be raised for that purpose by special tax or otherwise.

Seventh. To defray the necessary contingent expenses of the board, including the salary of the clerk and superintendent.

Eighth. To have in all respects the control and man-

agement of the public schools in said city, with power from time to time to adopt, alter, modify and repeal rules and regulations for their organization, grading, government, instruction and discipline, for the reception of pupils, their suspension and expulsion and their transfer from one school to another, to decide upon the text books to be used in the schools, and generally to promote their good order, prosperity and public utility.

Power of board
of education

Ninth. To allow the children of persons not resident within the city to attend any of the schools under the control of the board, and to prescribe and collect such tuition fee from such pupils as they may deem just and proper; and the board may require all children attending the public schools to be vaccinated.

Tenth. To make all necessary by-laws for the government and manner of transacting the business of the board, its officers and committees, and for conducting and regulating the schools, and to alter and repeal the same, as they may deem expedient.

Eleventh. To prepare and report to the city council such ordinances and regulations as they may deem necessary and proper for the protection, safe-keeping and preservation of school houses, lots, sites and appurtenances, and other property appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations.

SEC. 13. The said board of education shall be trustees of the district library in said city, and shall be vested with the discretion and power as to the collection and disposition of all moneys appropriated or authorized by law to be raised for the purchase of school district libraries, which is, or may be conferred upon inhabitants and officers of ordinary school districts. When necessary, it shall be their duty to provide a library room with suitable fixtures and furniture and to appoint a librarian; they shall make selections and purchases of all books for the library, and may exchange or sell such books as they may deem useless or of an improper character, and purchase others with the proceeds thereof. They shall make rules for the government of the librarian, and for the issue and use of books, and shall have power to assess and collect all damages arising from loss or injury of books, and other contents of the library.

Trustees of the
district library

SEC. 14. On or before the first day of June, annually,

Estimate of ex-
penses—when to
be made

the board of education shall make an estimate of the whole amount of moneys required to defray the expenses of the schools during the ensuing financial year, and of the probable income from all sources for school purposes, in which estimate they shall set forth in detail, the objects of expenditures, and the sources of income, and shall state therein any deficiency of income to be supplied by special school tax, together with any deficiency of the preceding year, arising from a failure to realize from any source the amount estimated, and shall file a copy of such estimate with the city council. If the city council shall approve the estimate, the board shall be authorized to proceed in the expenditures in accordance therewith, but if the city council shall disapprove of any item or items of expenditure which may require a special tax, the board shall not be authorized to proceed in the expenditures disapproved.

The financial year shall commence on the first day of September, annually.

Provisions for
making expendi-
tures,

SEC. 15. The board of education, in all their expenditures and contracts, shall have reference to the amount of moneys provided and authorized for the particular expenditure in question and shall not exceed the same, and no order upon the treasurer shall be issued until the same shall be authorized by a vote of the board.

When may pur-
chase lot or site

SEC. 16. Whenever the board of education shall deem it expedient to purchase any lot or site, or to build, or purchase any house for school purposes, they shall cause an estimate to be made, covering all expenses of such purchase or building, and shall report the same in detail, to the city council, and no contract for the purchase of any lot, site, or building, or for the erection of any building, shall be binding until such estimate shall have been approved by said council.

Power to sell
school house, lot
or site

SEC. 17. Whenever the board of education shall deem it advisable to sell any school house, lot or site used for school purposes, they shall report the same to the city council with the reasons for such sale, and thereupon the said council shall have power to sell such house, lot or site, and when sold, the proceeds thereof, without diminution, shall be paid to the city treasurer, to the credit of the board of education, who shall use the same for the purchase of other houses, lots or sites, if needed for that purpose, and if not, then for incidental expenses.

SEC. 18. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances and all other school property in this act mentioned, shall be vested in the city of Winona, and the same, while used for school purposes, shall not be subject to levy or sale by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity, shall be able to take, hold and dispose of any real or personal property transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same shall be transferred to said city by its proper style or by any other designation, or to any person or persons or body for the use of said schools.

In whom title
vested

SEC. 19. The board of education shall be subject to the rules and regulations of the State superintendent of schools, and the provisions of the general school law of the State, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

Rules and regula-
tions that gov-
ern said board

SEC. 20. Whenever the estimates of expenses, provided for in sections fourteen and sixteen of this act, shall be presented to the city council of Winona, said council shall proceed to consider the same, and shall have power to approve or reject any part of such estimates as may require a special school tax, and shall certify their action therein to the board of education.

Power of city
council

SEC. 21. The said council shall have power and it shall be their duty, once each year, to cause a special school tax to be levied upon all the taxable real and personal property in said city, sufficient in amount to cover all deficiencies as estimated by the board of education, and approved by said council for ordinary school purposes; *Provided*, That the said tax levy shall not, for any financial school year, exceed three mills upon the dollar of valuation, and said council shall also have the power, and it shall be their duty from time to time, to levy such taxes as may become necessary to provide school houses, lots and sites, and books for the district library, in accordance with the estimates of the board of education, approved by said council, and to satisfy all judgments against said board, and all taxes authorized by this act, shall be assessed and collected at the same time and in the same manner as other city taxes, and shall be equally binding upon persons and property.

Special school
tax may be lev-
ied

Duty of city
council

SEC. 22. Said council shall have power to pass such ordinances and regulations as the board of education may report to be necessary and proper for the protection, safe-keeping, care and preservation of all property belonging to, or connected with the schools of said city, and to impose suitable penalties for a violation thereof; and all such penalties shall be enforced and collected in the same manner that penalties for a violation of other city ordinances are enforced and collected; and all moneys thus collected, shall be paid to the treasurer of said city to the credit and subject to the order of the board of education.

What money to
be received for
taxes

SEC. 23. The officer whose duty it shall be by law to collect the taxes in said city, shall receive for taxes levied by virtue of this act, lawful money of the United States only, and shall pay the same to the city treasurer quarterly, at such times as may be fixed by the board of education, and for the faithful discharge of his duties under this act, he shall be liable upon his official bonds, as for other moneys by him received, and for any violation of his duties under this act, he shall be subject to like penalties as are, or may be provided by law for a violation of his duties in collecting and accounting for other moneys, for which it is, or may be his duty to collect.

Responsibility of
treasurer

SEC. 24. All moneys raised pursuant to the provisions of this act, and all school moneys appropriated to, or provided for said district by any law of this State, shall be paid to the treasurer of said city, who, together with the sureties upon his official bond shall be accountable therefor in the same manner as for other moneys of said city, and said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys, as for any similar misconduct in relation to other moneys of said city.

Duty of treasurer

SEC. 25. The treasurer of said city, shall keep all moneys by him received by virtue of this act, separate and distinct from any other fund which he is, or may be authorized to receive, and shall keep separate accounts of moneys raised for special purposes as certified to him by the board of education, and shall from time to time, when required thereto by said board, or by the city council, certify the amount of moneys so held by him.

SEC. 26. All school moneys in the hands of the treasurer, shall be drawn out upon the orders of the president of the board of education, countersigned by the clerk,

which orders shall be paid from the particular fund upon which they are drawn, in the order of their presentation, and if at the time of presentation, there shall be no money wherewith to pay them, the treasurer shall in a suitable book record the time of presentation, and note the same upon the order, and thereafter such orders shall be paid in the order of such record, and all orders when paid, shall by the treasurer be forthwith cancelled, by writing thereon, over his signature, the word "cancelled," with the date of payment.

Disposition of
funds in treasur-
er's hands

SEC. 27. Upon the final settlement of the treasurer with the city council, and at such other times as the council may require, said treasurer shall exhibit his accounts, vouchers and funds, and shall render a statement, setting forth under the proper dates, all moneys by him received by virtue of this act, and from whom received, and to what special fund they belong, and all payments made therefrom; and at his final settlement in a separate statement, shall exhibit the balances that may remain in his hands due to each particular fund, a copy of which last statement he shall deliver to his successor in office, together with all moneys, books and papers belonging to his office, relating to his duties under this act; *Provided*, That in his said settlements, said treasurer shall receive credit only for properly cancelled orders of the board of education, and for lawful money of the United States; and such cancelled orders shall forthwith be filed with the clerk of the board of education, by the city recorder, and for his compensation, the treasurer shall be paid from the city treasury such sum as the city council may determine, not exceeding one-half of one per cent. upon the moneys that may come to his hands by virtue of this act.

Final settlement
with treasurer

SEC. 28. The board of education may cause a suit, or suits, to be prosecuted in the name of the city of Winona, upon the official bond of the treasurer, or of any collecting, or disbursing officer, having to do with the moneys authorized to be raised, or coming to his hands by virtue of this act, for any default, delinquency or official misconduct in relation to the collection, safekeeping, or payment of any moneys appertaining to the school funds of said city.

For what offenses
suits to be prose-
cuted

SEC. 29. In all legal proceedings against the board of education, the process shall be served upon the clerk of the board, and whenever such suit or proceedings shall

In whose name
suits brought

be commenced, it shall be the duty of said clerk to forthwith notify the president of the board, and at the next meeting of the board thereafter, shall communicate all information he may have in relation to such suit or proceeding.

Judgments—how
paid

SEC. 30. When any judgment shall be recovered against the board of education, no execution shall issue thereon, but when such judgment shall become final, and on the application of the plaintiff, his agent or attorney, the board shall audit, the same as other claims are audited, and shall pay the same from any moneys in the treasury not otherwise appropriated, and if there shall be no such moneys, they shall include such judgment with lawful interest, in their next estimate of expenses, and it shall be the duty of the city council to cause a special tax to be levied sufficient to satisfy the same.

May organize
one or more mod-
el schools

SEC. 31. The board of education shall have power to organize one or more of the schools under their charge, as a model school when they shall deem it expedient, and to co-operate with any other educational body organized under the laws of this State, in the management of such school.

Act to supersede
a former act

SEC. 32. This act shall supercede an act entitled "an act for the establishment and better regulation of the common schools of the city of Winona," approved March 7th, 1861; and the board of education, created by this act, shall be the successors of the board of education now organized in said city, and shall assume all the rights and liabilities, and complete all the business of the said board, *Provided*, That the present board of education in said city shall continue in office with full powers under this act until the annual meeting of the board, on the third Monday of April, in the year 1862.

Not to be affected
by any subse-
quent act

SEC. 33. This act shall not be repealed or affected in any manner by any subsequent act, unless specifically named or mentioned therein.

Repeal of acts
inconsistent with
this act

SEC. 34. All acts and parts of acts, so far as they relate to the city of Winona, inconsistent with this act, are hereby repealed.

SEC. 35. This act shall be construed as a public act, and shall take effect and be in force from and after its passage.

Approved March 8th, 1862.