

CHAPTER LXIII.

An Act for the establishment and better regulation of the Common Schools of the City of Winona.

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

SECTION 1. The school districts and parts of districts, Consolidation of school districts within the corporate limits of the city of Winona, are hereby consolidated, and shall hereafter constitute one district, for the regulation and management of the public schools of said city.

SEC. 2. There shall be elected annually in the city of Winona, at the time of its charter election, by each ward

Election of school directors—qualification in the city, one school director, who shall be a resident of the ward by which he is elected. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of the State, and file the same in the office of the city recorder.

Vacancies how filled SEC. 3. In case of vacancy, caused by a failure to elect a director in any ward of the city, by resignation, death, or removal from the ward in which he was elected, the city council shall have power, by appointment, to fill the vacancy until the time of the next annual city election.

Board of education—quorum SEC. 4. The school directors thus elected, together with the principal and such members of the normal school at Winona as shall be residents of said city, and qualified in like manner with the other directors, shall constitute the board of education of the city of Winona, which shall be a corporate body in relation to all the powers and duties conferred on them by the provisions of this Act, and may sue and be sued in any of the courts of this State having jurisdiction of the subject matter of the action. A majority of the board shall form a quorum. At their first meeting after the annual election, they shall choose one of their number president, and also one of their number, superintendent of the city schools. They shall also appoint a clerk and fix his compensation, who shall hold his office during the pleasure of the board. The said directors shall receive no compensation for their services, except as hereinafter provided in this Act.

Duty of clerk SEC. 5. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts, therein set forth; and such records, and all books and accounts of the said board, shall at all times be subject to the inspection of the city council and of any committee thereof.

Finance committee SEC. 6. The finance committee of the board shall always be composed solely of the directors elected by the wards of the city.

SEC. 7. On or before the first day of June annually, the board of education with the concurrence of a majority of the finance committee, shall certify to the city council the whole amount of moneys, in their opinion, neces-

sary to be raised, by taxation or otherwise, to defray the expenses of the schools for the current year; what amount will be received for such purpose from the State; what amount from the county; and what amount it will be necessary to raise by taxation from the city; and the city council shall have power to raise, from time to time, by tax upon the real and personal estate in said city, which shall be liable to taxation for the ordinary city or county purposes, the amount thus certified.

Who to estimate
amount of taxes

SEC. 8. The finance committee shall be the executive committee of the board, and shall have power to purchase, lease and improve sites for school houses, to build, purchase, lease, enlarge, alter, improve and repair school houses, and their outhouses and appurtenances; to purchase, exchange, improve and repair school apparatus, books, furniture and appendages; to procure fuel and defray the contingent expenses of the district library of said city, and also to pay the wages of teachers and other employeess of the board.

Powers of execu-
tive committee

SEC. 9. The city council shall cause the tax or taxes herein provided for, to be levied and collected annually, on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the State for the time being; said taxes to be levied and collected in the same manner as annual taxes for city purposes are levied and collected in said city. *Provided, nevertheless,* That no tax shall be levied for general school purposes, oftener than once in each year; *and provided, also,* That the amount to be raised for teachers' wages, and for contingent expenses in any one year shall in no case exceed three mills on the dollar of all the taxable property of said city, nor be less than may be made requisite by a law of the State, to entitle the city to its appropriate share of the public money of the State set apart for school purposes.

Taxes to be col-
lected annually
—for what pur-
pose

SEC. 10. All moneys to be raised pursuant to the provisions of this Act, and all school moneys by law appropriated to or provided for said city, 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 the other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said

Responsibility of
Treasurer

moneys, as for any similar misconduct in relation to the other moneys of the city.

What money to
be received

SEC. 11. After the passage of this Act, the collecting officer of said city shall receive for taxes levied for school purposes, nothing but current money, nor shall he be allowed to account for his indebtedness to the fund raised for school purposes, in the settlement with the city treasurer in any other way, except in current money.

Duty of Treas-
urer

SEC. 12. All moneys required to be raised by virtue of this Act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out only as prescribed in the next succeeding section of this Act, and the said treasurer shall keep the funds authorized by this Act to be received by him, separate and distinct from any other fund that he is, or may be by law authorized to receive. The board of education, by committee or otherwise, may at any time demand of the treasurer an exact statement of the amount of funds in his hands subject to their order, and thereupon it shall be the duty of said treasurer to make and report to the board such statement and account forthwith.

Disposition of
funds

SEC. 13. The treasurer of said city shall in no case pay out any moneys in his hands received by said city, either as school moneys, or collected or received by virtue of any of the provisions of this Act, excepting upon an order drawn on him and signed by the president and clerk of the board of education, and every such order shall be paid from the particular fund upon which it is drawn in the order of its presentation; nor shall any such order be drawn except by virtue of a resolution of the said board of education. Nor in his final settlement with the city council, shall he be allowed to account for his indebtedness to the school fund, except in current money, and the orders of the board of education.

For what offense
suits to be prose-
cuted

SEC. 14. The said 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 officer for said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping, or payment of any moneys mentioned in this Act.

SEC. 15. In all legal proceedings against the board of education of the city of Winona, the process shall be

served upon the clerk of said board, and whenever such suit or proceedings shall be commenced, it shall be the duty of said clerk forthwith to notify the president thereof and to lay before the said board of education at their next meeting thereafter, all the information he may have in regard to such suit or proceedings.

In whose name suits brought against said board

SEC. 16. When any judgment shall be recovered against the said board of education of the city of Winona, no execution shall be awarded or issued upon such judgment, but for the same, unless it shall be reversed, and as soon as it shall become final upon the demand of the party, his agent or attorney, in whose favor the same was rendered, the said board shall issue to said party its order upon the treasurer of said city, in manner and form in this Act prescribed.

Judgments against said board, how paid

SEC. 17. The said board of education shall have power, and it shall be their duty,

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

Second.—To purchase or hire, with the concurrence of a majority of the finance committee of said board, school houses, and rooms, and lots, and sites for school houses, and to fence and improve the same, as they may deem proper.

Powers of the board of education

Third.—With the concurrence of a majority of the finance committee of the board, to build, enlarge, alter, improve and repair school houses as they may deem proper, upon such lots as may be owned or leased by said city for school purposes.

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

Fifth.—To have the custody and safe keeping of the school houses, outhouses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

Sixth.—To contract with and employ all teachers in the common schools and high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

Seventh.—To pay the wages of such teachers out of the school moneys which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section seventh of this Act, by tax upon the city.

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

Powers of the
board of educa-
tion

Ninth.—To have in all respects, the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, their suspension, expulsion, and transfer from one school to another, to decide upon what text books shall be used in the schools of said city, and generally to promote their good order, prosperity, and public utility.

Tenth.—Whenever, in the opinion of the board, with the concurrence of a majority of the finance committee, it may be advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

Eleventh.—To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city, connected with, or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised under the seventh section of this act, specifying the sums required for each of the purposes therein mentioned, and the reasons therefor.

Twelfth.—To make all necessary by-laws for their organization, government and manner of transacting business, and as their experience shall deem wise for the conducting and regulating of the schools, and modify and change the same when a majority of the board may think proper.

Sec. 18. The said board of education shall have pow-

er to allow the children of persons not residents within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition fee that shall be paid therefor; and may require all children attending the public schools to be vaccinated. Who allowed to attend school

SEC. 19. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of moneys that shall be subject to their order during the then current financial year, for the particular expenditure in question, and not to exceed such amount. Expenditure funds for the current year

SEC. 20. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are, or may hereafter be passed, relating to district school libraries shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the State, for the purchase of libraries, which is therein conferred upon inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books. Who to be trustees of the district library

SEC. 21. It shall be the duty of the said board, at least fifteen days before the annual election for directors in each year, to prepare and report to the city council true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this Act, during the preceding financial year; in which account shall be stated under appropriate heads: When said board to make annual report

First.—The moneys received by the board of education under the seventh section of this Act.

Second.—The school moneys received by the treasurer of the city from the county treasurer.

Third.—The moneys received by direct tax.

Fourth.—All other moneys received by the treasurer, subject to the order of the board specifying the sources.

Fifth.—The manner in which such sums of money shall have been expended, specifying the amount paid

under each head of expenditures. And the city council shall, at least ten days before such election, cause the same to be published in at least two of the newspapers published in said city.

Rules and regulations that govern said board

SEC. 22. The said board shall be subject from time to time, to the rules and regulations made by the State Superintendent of Common Schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this Act.

Who to examine applicants for teachers

SEC. 23. The superintendent elected by the board, shall examine all teachers making application for schools, (examinations to be public and in the presence of the board,) shall grant certificates to such persons so examined, as shall be by him and a majority of the board deemed suitably qualified, and shall carry into effect the ordinances of the city council, and the rules and regulations of the board in reference to the common schools; he shall visit all the common schools of the city, at least once during each month, and report their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him. The amount of his compensation shall be determined by the board.

To whom superintendent to make report

SEC. 24. It shall be the duty of the superintendent, between the first and fifteenth days of September, in each year, to make and transmit to the county auditor, or any other officer designated by law to receive the same, a report in writing, bearing date on the first day of September in the year of its transmission—

First—The number of scholars taught within the city, and the length of time the schools have been taught by qualified teachers.

Second.—The total amount of public moneys received for the use and benefit of such schools.

Third.—The number of children residing in the city, on the first day of August preceding, over the age of five and under the age of twenty-one years.

Fourth.—The manner in which the public moneys have been expended, and whether any, and what part remains unexpended, and for what purpose.

Fifth.—The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor; the amount of taxes raised for the pur-

chase of school house sites, for building, hiring, purchasing, repairing and insuring school property, for fuel, for district libraries, or for any purpose allowed by law in the said city, since the date of the preceding report, with such other information as the State Superintendent may from time to time require and as may be required by law, so that said city may be entitled to its proportion of the common school fund.

SEC. 25. The city council of the said city shall have power from time to time to cause to be levied and collected, on the taxable property of the city, such sums, in addition to those provided for in section seven of this Act, as the board of education, with the concurrence of the majority of the finance committee, shall certify to them to be necessary to be raised by tax, for purchasing sites for school houses, erecting and furnishing the same, or altering or repairing them; and such taxes shall be collected and paid over to the treasurer and disbursed by him, in the same manner as other taxes provided for by this Act.

Duty of city council

SEC. 26. The city council of the said city shall have the power, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to, or connected with the schools in said city; and to impose proper penalties for the violation thereof, subject to the limitations and restrictions contained in the Act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this Act.

Powers of city council

SEC. 27. Whenever the said board shall report to the city council that it is advisable to sell any of the school houses, lots, or sites, or any of the school property, now or hereafter belonging to the city, the city council shall have the power to sell the same, and upon such terms as the city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expend-

Power to sell school houses, etc.—when advisable

ed by them in purchasing, leasing, repairing or improving other school houses, lots, school furniture, apparatus, or appurtenances.

In whom title
vested

SEC. 28. The title of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this Act mentioned, shall be vested in the city of Winona; and the same while used or appropriated for school purposes, shall not be levied upon or sold 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 personal or real estate 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.

Powers of trustees in office at the time of the passage of this Act

SEC. 29. The trustees of the school districts within the corporate limits of the city of Winona, who may be in office at the time of the passage of this Act, shall remain in office for the purpose of closing up all the business of the said districts; and for this purpose shall have power to audit all legal claims against their several districts and pay the same out of any moneys belonging to them applicable thereto, and shall be authorized to collect and receive all moneys due them, as now provided by law.

Constitution of joint board—for what purpose

SEC. 30. The trustees of the several boards named in the preceding section shall constitute a joint board for the purpose of hearing and determining the amounts which may be equitably due to any parties who, through any informality may be unable to establish a legal claim against the said districts or either of them, and may allow such claims in whole or in part as may to them appear just and right, and determine from what fund the same shall be paid, and when so determined, the proper officer shall pay the same in the same manner as other claims against the district are by law paid.

Clerks continued in office

SEC. 31. For the purpose of carrying out the provisions of the two preceding sections of this Act, the several clerks of the said districts are hereby continued in office for such time as the joint board of trustees may deem necessary, and shall be authorized to receive and pay out

any moneys and perform other duties as now provided by law.

SEC. 32. Within ten days after the passage of this Act, the said board of trustees shall give public notice by publication in the newspapers published in the city of Winona, of the times and places, when and where they will meet to hear and determine the matters as provided in section 27 of this Act; and all claims not presented within thirty days after date of such notice shall be forever barred of recovery.

When to publish meeting of board

SEC. 33. Within ninety days after the passage of this Act, the said trustees shall complete all their duties as provided in the preceding sections, and the several boards shall make out and file with the clerk of the board of education, and with the recorder of the city of Winona, a report stating in detail :

Trustees to make report upon completion of transactions

First.—All the unsatisfied indebtedness of the district, and to whom due.

Second.—All the property of all kinds belonging to their districts, and to the joint districts.

Third.—All claims due their several districts.

Fourth.—The amount of delinquent special school taxes due their several districts, which report shall be signed by the trustees and the clerk; and shall deliver to the board of education all records, papers and property belonging or appertaining to their several districts.

SEC. 34. If at the time of making the report, as provided in the preceding section, any special tax levy shall be in the hands of the clerks of said school districts, or either of them, the same shall be returned to the county auditor, who shall proceed therein as in case of other delinquent taxes.

Provisions for unfinished business

SEC. 35. The board of education shall have the same control of all matters transferred to them by the several districts as of other matters, as provided in this Act; and all claims and moneys due the said districts shall accrue to the said board, and payments to be made by said districts shall be paid by the said board; and when the transfer provided for in section thirty three of this Act shall have been made, the powers of the district officers shall cease.

Who to have control of all matters

SEC. 36. If at the time the transfer shall be made as provided in section thirty-three, it shall be found by the

Duty of board in case of excess or deficiency board of education that the value of the assets of either district, or the balance of indebtedness shall exceed that of the other districts to the amount of one or more mills upon the dollar of assessed valuation in such district, as shown by the assessment roll for the year 1860, it shall be the duty of said board to certify that fact to the city council, who shall at the time of levying the next succeeding special school tax, levy an excess of per centage upon the deficient district sufficient to balance its proportionate deficiency; but if the deficiency shall be less than one mill upon the dollar of valuation, no notice shall be taken thereof.

Repeal of acts inconsistent SEC. 37. All acts or parts of acts, so far as they relate to the city of Winona, inconsistent with this Act, are hereby repealed; and it shall not be necessary to elect any school district trustees in said city from and after the passage of this Act, as heretofore required by law.

When act not to be repealed SEC. 38. This Act shall not be repealed or affected in any manner by any subsequent Act, unless specifically mentioned or named therein.

Limitation of said board—making improvements SEC. 39. That the said board of education, and the said finance committee, or either, shall have no power to buy, sell, lease, rent or otherwise dispose of any school house or school houses, or site or sites for school houses, nor expend for altering, enlarging or repairing the school houses in said city or improving the sites thereof to an amount exceeding the sum of one hundred dollars in any one year, unless authority be first given by order or resolution of the city council.

SEC. 40. This Act shall take effect and be in force from and after its passage.

Approved March 7th, A. D. 1861.