

GENERAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE FOURTH SESSION OF THE STATE LEGISLATURE,
COMMENCING JANUARY SEVENTH, ONE THOUSAND EIGHT HUNDRED AND
SIXTY-TWO, AND TERMINATING MARCH SEVENTH, ONE THOUSAND EIGHT
HUNDRED AND SIXTY-TWO.

CHAPTER I.

An Act to Provide for a General System of Common Schools, the Officers Thereof and their respective Du- ties and Powers.

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

Each township a
school district—
body corporate

SECTION 1. That each and every sub-district that now is organized, or that has been set off as a sub-district, but not organized, in any county of this State, and each district hereafter organized under the provisions of this act, is hereby declared to be a school district and body corporate by the name and style of school district number in the county of _____, and by such name may contract and be contracted with, sue and be sued in any of the courts of this State having competent jurisdiction.

Trustees to hold
property for dis-
trict

SEC. 2. Each and every such school district shall hold in the corporate name of the district, the title of all lands and other property now held, or which may hereafter be acquired for school district purposes in such district.

Title to property
adjusted

SEC. 3. In all cases where the title to lands or other property held for school purposes is in doubt, or is vested in other parties than those prescribed in section three of this act, it shall be the duty of the trustees of the district in which such property is situated, to procure the title to such lands or other property to be vested as provided in this act.

Districts how
numbered—des-
criptions and
boundaries filed

SEC. 4. The several districts in each county shall be numbered by the county auditor in regular order from number one upwards, and their description and boundaries shall be clearly given and well defined, a record of which, and of all the alterations made from time to time, shall be made in the office of the county auditor.

SEC. 5. The county commissioners of the several counties of the State, shall have power to create new

school districts, change the boundaries of districts, or unite two or more districts, whenever a petition signed by a majority of the legal voters of the territory to be affected thereby, shall be presented to them requesting such organization or change. *Provided*, That in creating school districts, the county commissioners shall confine each district to their respective towns, as far as the same may be practicable. *Provided further*, That any five or more voters residing in the district who may feel aggrieved by the alteration, change or organization of their district, may apply to the county commissioners for a re-hearing at the succeeding session thereafter, by posting a notice of such application in three conspicuous places in the district, at least ten days before said session, on due proof of which the commissioners shall then consider the complaint, and make such order in the premises as justice may require. *Provided further*, That when the district so to be formed or altered shall consist of territory in two or more counties, the aforesaid petition shall be presented to the commissioners of said counties, who shall cause the order for the formation or alteration of such district to be filed in the office of the county auditors of their respective counties, and it shall be the duty of the auditors of said counties to deliver a copy of such order to the clerk of the district. When a tax is voted by such district, the clerk shall transmit to the county auditor of each of the counties a statement of the amount so voted. The said auditors shall thereupon transmit each to the other an abstract of the assessment in that part of the district in their respective counties, and shall levy the amount required in proportion to the amount of property in their part of the district situated in their respective counties. The money arising from such assessment, shall be drawn by the district treasurer from the county treasurer of each county in which the district is situated. The number of scholars in each fraction of the district shall be returned to the auditor of that county in which said portion of the district is situated, and all moneys apportioned shall be drawn by the district in the same manner as when the district is in one county.

Powers of county commissioners

SEC. 6. Formations and alterations of districts shall be made by an order in writing, setting forth the bounds of the district so formed or altered, and signed by the county auditor. Such order shall be recorded in the of-

Formations and alterations—how made

office of the county auditor, and a certified copy of such order shall be delivered to the clerks of the several districts affected, upon application to the county auditor.

Officers—how
chosen

SEC. 7. The officers of each district shall be a director, treasurer and clerk, who shall be elected on the last Saturday of March in each year, and shall hold their offices until their successors are elected and qualified; *Provided*, That said officers shall be chosen for the year 1862, upon the first Tuesday of May. But when a new district shall have been formed under the provisions of this act, a meeting for organization may be called by a notice signed by three freeholders or householders residing within the limits thereof, said notices to be posted in five conspicuous places in the district, ten days before such meeting is called, and the meeting so called shall have the same powers as are given in this act to annual meetings.

Officers elected,
when to give
notice

SEC. 8. All persons elected as district officers under this act, shall within ten days after notice thereof by the clerk, file their acceptance of the same in the office of the district clerk.

Penalty for refus-
ing to serve—how
collected

SEC. 9. Every person duly elected to and accepting the office of director, treasurer or clerk of any school district, who shall neglect or refuse to enter upon the duties of his office and serve therein faithfully according to the provisions of this act, shall forfeit the sum of ten dollars, which may be collected by suit before any justice of the peace in the county, to be prosecuted by the director of the district, or by any legal voter therein, said suit to be brought in the name of the district, and the proceeds to be applied to the use of the district.

Board of trustees
—duties of

SEC. 10. The director, treasurer and clerk of each district, shall constitute a board of trustees, and shall in that capacity have the general charge of the interests of schools and school houses in their district; shall lease or purchase in the corporate name of the district, a site for a school house, such as has been designated by a majority of the legal voters of the district; shall build, hire or purchase a suitable school house out of funds provided for that purpose; and when directed by a majority of qualified voters at any legal meeting of the district, may sell or exchange any such site or school house.

SEC. 11. It shall be the duty of each member of the board of trustees to visit the school at least once in each term, and give such advice to the teachers as may be for

the benefit of the school, and they shall submit to the legal voters of their district at their annual meeting an estimate of the expenses of the district for the coming year, including in their estimate a school for at least three months and all things necessary for such school.

When to visit schools—submit estimate expense

SEC. 12. It shall be the duty of the board of trustees to hire for, and in the name of the district, such teachers as have procured a certificate of qualification; and make a contract with such teacher, specifying the wages per month and time employed, as agreed upon by the parties, and shall file such contract in the office of the clerk.

To employ teachers

SEC. 13. It shall be the duty of the director to provide fuel for the schools of the district, provided the district makes no provision for fuel at their annual meeting, to furnish all things necessary for the school house during the time a school shall be kept therein; to appear for and in behalf of his district in all suits brought by or against his district, whenever no other direction shall be given by a lawful meeting of the legal voters thereof; *Provided*, That if the district has a library, the board of trustees may appoint a librarian, and make all needful rules for its circulation, preservation and increase.

Duty of director of each district

SEC. 14. It shall be the duty of the treasurer of each district, to receive and pay out all moneys apportioned to or belonging to his district, and to keep an accurate account of the common school fund and of the district fund raised by tax.

Duty of treasurer

SEC. 15. The treasurer of each district shall execute a bond to the district in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer, during the year, with sufficient security, to be approved by the director and the clerk, conditioned for the faithful discharge of his duties. Such bond shall be filed with the clerk of the district, and in case of any breach of any condition thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money when collected shall be applied to the use of the district.

Treasurer to give bond—in what sum

The treasurer failing to give a bond as provided in this Act, or for any other cause being unable to attend to his duty, the director and the clerk of the district shall then proceed to appoint another treasurer, who shall give bond as required herein. *Provided*, That in case of any vacancy in the board of trustees, the vacant office shall be filled by an appointment by the remaining trustees.

To submit annual
report

SEC. 16. It shall be the duty of the treasurer to present at each annual meeting, a report in writing signed by him, and containing a statement of all moneys received by him during the year preceding, and of all his disbursements, exhibiting vouchers therefor; also the amount of taxes assessed upon the taxable property of the district during the year, the purposes for which they were assessed, the amount assessed for each purpose, which report shall be recorded by the clerk; and if it shall appear that there is any balance in the hands of the treasurer, he shall immediately pay over such amount to his successor in office. *Provided*, That the director and clerk shall examine said report and if correct they shall endorse the same.

Duties of clerk

SEC. 17. It shall be the duty of the clerk to record the proceedings of the district meetings and of the board of trustees in a book provided for that purpose by the district; he shall enter therein all copies of his reports made to the county auditor or State Superintendent; keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office; to act as the clerk of the district in all of its meetings, or if absent to record the minutes of the clerk *pro tem.* and shall keep an account of all expenses of the school and school house and of outbuildings, fences, wood, stoves and all the conveniences of the school room, such as maps, charts, blackboards and school libraries.

Clerk to give notice of meetings—
how

SEC. 18. It shall be the duty of the clerk to give at least ten days notice of each annual or special meeting, by posting up three notices thereof in conspicuous places in the district. Every notice for a special meeting shall set forth all the objects for which such meeting was called. Special meetings may be called on the order of the board of trustees, or by the request of five or more freholders or householders of the district; *Provided*, That at any annual meeting the legal voters present may act upon any matter properly before them, except the raising of money for building or purchasing a school house, or fixing the site thereof, without its being particularly set forth in the call.

To report to county
auditor—when

SEC. 19. It shall be the duty of the clerk between the first and fifteenth days of October of each year, to make and transmit to the county auditor a report in writing showing:

1st. The names of all persons, male and female, respectively, residing in the district on the last day of September preceding the date of his report, between the ages of five and twenty-one years.

Names of persons between the ages of 5 and 21 years of age

2d. The number of those who have attended the school during the year.

Number that have attended school

3d. The length of time a school has been taught by a qualified teacher and the wages paid him in the district.

How long school taught

4th. The amount of money received from the county treasurer from the money apportioned by the county auditor.

Money received from apportionment

5th. The amount received from tax voted to be raised by the district; the purpose for which it was raised; the manner in which said sums have been expended; the condition of school house and grounds; the kind of books used and such other facts as the State Superintendent may require, which report shall be verified by oath before some competent person.

Money received from tax voted to be raised

How expended

SEC. 20. It shall be the duty of the clerk to draw orders on the treasurer of the district for the payment of the teacher, or for any lawful purpose, and when such orders are attested by the director, they shall be paid by the treasurer. Such order shall state the service or consideration for which it was drawn, and the person rendering such service. The clerk shall procure from the county auditor and furnish each teacher a register for his school, which register shall be deposited by the teacher with the clerk at the end of each term, and before any money shall be paid or order drawn for services as teacher.

Orders to be drawn on treasurer—for what

SEC. 21. The clerk of the district shall furnish to the county auditor on or before the 15th of September in each year an attested copy of his record, stating the amount of money voted to be raised by the district for school purposes at any annual or special meeting.

When to furnish copy of records

SEC. 22. And it is hereby made the duty of the county auditor to file the copy of the record of the district, as in section 21, and to levy the amount specified therein upon the real and personal property of the district, and to enter upon his assessment roll for the year, in a separate column, the tax levied thereon. And it shall be the duty of the county auditor to report to the State Superintendent, in a tabular form, an abstract of the reports of the clerks of the several districts in his county, and any

County auditor when to report to State Superintendent—what to contain

failure to make due returns shall be deemed a misdemeanor and he shall forfeit for every such omission the sum of fifty dollars, to be deducted from his salary by the county commissioner. Said report shall be made between the 1st and 15th of November in each year and stating :

- 1st. The number of districts in his county.
- 2d. The district which have made report to him.
- 3d. The length of time a school has been taught in each district by an authorized teacher.
- 4th. The amount of money received from each source for the use of schools.
- 5th. The amount disbursed to each district and the amount on hand.
- 6th. The number of persons in each district between the ages of five and twenty-one years, distinguishing between the males and females, and the number that have attended schools during the year.
- 7th. The amount of money raised in the districts and and paid for teachers' wages in addition to the public money paid therefor ; the amount of money raised for purchasing school sites, for building, hiring, purchasing, repairing, insuring and ornamenting school houses and grounds since the date of his last report.
- 8th. The number of private schools, high schools, colleges and universities in his county, their condition and resources, and the number of teachers and pupils therein. He shall also receive from the State Superintendent and forward to the several clerks of districts such blanks, reports and circulars as shall be forwarded to him for that purpose.

SEC. 23. Any failure on the part of a clerk of a school district to make report to the county auditor, as provided in this Act, shall be punishable by a fine not to exceed fifty dollars, which shall be applied to the use of the district.

SEC. 24. It shall be the duty of the county auditor, on the last Wednesday of March and on the last Wednesday of October of each year, to make apportionment of the money in the county treasury for the support of schools, among the several school districts in the county, which apportionment shall be in proportion to the number of persons in the district between the ages of five and twenty-one years, as shown by the reports of the several

Penalty on failure to report

Apportionment—when made

districts, and the auditor shall transmit to the clerk of each district a copy of the apportionment of said district.

Sec. 25. The county treasurer shall pay over upon the order of the county auditor to the treasurer of any school district any money in his hands belonging to such school district, by any apportionment, or by collection of any delinquent taxes, or other money belonging to said district. *Provided*, That the county treasurer shall pay no school moneys to any district treasurer until such district treasurer shall have filed in the office of the county auditor notice from the clerk of his district, which notice shall be countersigned by the director of the district, that such district treasurer has filed in the office of the district clerk his official oath and bond, as provided in section 15 of this Act. *Provided*, That any and all moneys now in the county treasury, and already apportioned to existing school districts of the county, and the moneys collected, and which may be collected upon the delinquent list of any tax levied heretofore by any school district or sub-district of the county, shall be paid to the town treasurer, for the proper use and credit of the district or sub-districts upon which the taxes so collected were levied, and shall be paid out by the town treasurer, upon the order of the supervisors, attested by the town clerk, to be by them applied to the indebtedness of such districts or sub-districts, or to such other purposes to which it may be legitimately applied.

County treasurer
to pay to auditor
funds belonging
to school district

And further Provided, That if any district or sub-district under the operations of chapter eleven of the Session Laws of 1861, being an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, approved March 7th, A. D. 1861, or of previous acts, shall have contracted obligations which remain unpaid, such district or sub-district, organized under the provisions of that act, or previous acts, are hereby empowered to vote such sums, to be raised as a tax, as will be sufficient to pay such debts.

Provided, also, That if any district so organized has any surplus of money raised by tax or otherwise the same shall be equitably distributed among the districts of the town by the supervisors thereof.

Sec. 26. The legal voters when lawfully assembled, not less than five being present, shall have power, by a majority of the votes of those present—

Power of the legal voters, not less than five being present

1st. To appoint a moderator.
2d. To adjourn from time to time.
3d. To elect a director, clerk and treasurer, and when necessary, to choose a clerk *pro tem.* in the absence of the clerk of the district.

4th. To designate a site for a school house.

5th. To vote an amount of money to be raised by a tax on the taxable property of the district, sufficient with the apportionment of the common school fund, to support a school the length of time voted by the district; to purchase or lease a site for a school house and to build, hire or purchase such school house when the same shall be necessary; to keep in repair and provide the same with the necessary furniture and appendages; to procure fuel, and to purchase or increase a library and school apparatus.

6th. To repeal or modify their proceedings from time to time. *Provided,* That the board of trustees shall have power to levy a tax sufficient to support a school three months in the year without any vote of the district; *And provided further,* That the legal voters may vote to have a school any length of time more than three months.

Taxes—how collected

SEC. 27. All taxes raised by virtue of this act, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

Examiners appointed—when to meet

SEC. 28. The county commissioners of the several counties of this State, shall at their annual meeting in September, of each year, or at any other time in case of vacancy, appoint one man in each of the commissioner districts of the county, whose duty it shall be to examine persons applying to them for a certificate and license to teach in the schools of the county. *Provided,* That the present town superintendents shall hold their offices until September, 1862.

Duty of examiner—qualification of teacher

SEC. 29. For this purpose, each examiner named in section twenty-eight of this act, shall attend at his office, or at his residence, on the last Saturdays of April and October in each year. To such persons as upon examination appear to be well qualified to teach reading, writing, English grammar, including orthography, arithmetic, geography and history, and can give satisfactory evidence of good moral character, such examiner shall grant his certificate of license to teach any common school in the county for one year.

SEC. 30. Such examiner may cite to re-examination any person holding a license, and under contract to teach any common school in his commissioner district, and being satisfied upon such re-examination or otherwise, that such person is not of good moral character, or has not sufficient learning or ability to teach a common school, he may revoke such license, and from the time the notice of such revocation is filed in the office of the district clerk, the teacher's contract shall become void, and the said teacher's wages shall cease; *Provided*, That the wages of the teacher for the time he has actually taught, and at the contract price shall be paid as agreed.

When may revoke license

SEC. 31. The county examiners shall be paid out of the county treasury at the rate of two dollars per day, for each day specified in section thirty; *Provided*, All persons asking a certificate and license to teach, may be examined at any other time, upon the payment of fifty cents.

Compensation of examiners

SEC. 32. No person shall be admitted to teach in any of the schools of this State supported in whole or in part by public funds, until he shall have passed an examination before the district examiner and received a certificate of good moral character and sufficient ability to teach such branches as may be taught in common schools.

When persons to be admitted to teach

SEC. 33. It shall be the duty of the teacher to procure a register for his school from the clerk of the district; to keep a daily record of attendance and of such other matters as may be required in said register, and to receive all persons sent to him between the ages of five and twenty-one years; *Provided*, That older persons may attend school under any arrangement with the board of trustees, *provided, however*, that the board of trustees shall have sole power to determine who shall attend school from other districts, and the terms on which they may attend; and no persons shall have any right to attend school out of his district unless in accordance with an arrangement with the board of trustees of the district where such person proposes to attend school, who may at their discretion admit scholars from an adjoining district, *provided further*, that the board of trustees may expel any scholar from school for insubordination, immorality or infectious disease.

Teacher to procure register—to keep daily record

SEC. 34. Any teacher who shall have complied with the provisions of this act, shall be paid out of the first

Teachers, how
paid

moneys in the treasury, and no subsequent claim shall supersede his; and no money in any district treasury shall be applied to any purpose whatever, other than the payment of teachers, so long as there shall be any such claim against it.

Commissioners to
levy tax for
school purposes

SEC. 35. For the purpose of maintaining common schools, it shall be the duty of the commissioners of each county, to levy an annual tax of one-fifth of one per cent. on the amount of the assessment made by the assessor for the same year, which tax so levied shall be extended upon the assessment rolls of the year, by the county auditor, in a separate column, and this shall be collected in the same manner and by the same person as other county taxes are collected, except that the school tax shall be collected in gold or silver, or United States treasury notes, and the money so collected shall be paid into the county treasury for the support of common schools, to be apportioned as provided in this act. As a further provision for the support of schools, there shall be set apart by the county treasurer of each county, the proceeds of all fines for the breach of any penal law in this State not otherwise appropriated by law. And it shall be the duty of the county auditor to open an account with each district in his county, and shall keep an accurate account of all moneys received by or due to each of said districts, and all such matters as may be necessary to show the condition of accounts between each of said districts and the county treasury; and for this purpose he shall examine any or all of the books in the office of the county treasury.

Exempt from
taxation

SEC. 36. All lands now held or which may be acquired by school districts for common school purposes, shall be exempt from all taxes and assessments while held according to the provisions of this act.

Prejudicial to no
existing contract

SEC. 37. Nothing in this act changing the title, condition, or relation of existing school district property shall be construed to effect or prejudice any right of such district to enforce by law against the proper parties thereto, any contract, right, obligation or cause of action now existing, or prejudice any right of any party who may hold any contract, obligation, right or cause of action, or lien upon any such district or the property thereof; *Provided, however,* That if any differences of opinion should arise among the officers of the districts, towns or counties, who are empowered to carry out the provisions of this act

relative to the legal construction of the same, it shall be the duty of the Attorney General of the State, on the written application of the county auditor, submitting such questions of doubt or difference, to give his legal opinion in writing to such auditor, on the points thus submitted; and his opinion thus given, shall be binding until annulled by the judgment or decree of any court having competent jurisdiction.

Sec. 38. Each of the incorporated towns and cities in this State, having by their several charters a common school system, which shall, by some proper officer thereof, make to the auditor of their proper county, a report of the enumeration of scholars and other matters by this act made necessary to be reported, the same as is required of school districts, shall be deemed to have complied with the provisions of this act, and shall be entitled to their apportionment of public moneys, to be apportioned and drawn substantially as provided herein, or as provided by their special acts of incorporation; *Provided*, That the special school systems of St. Paul, Winona, Minneapolis, and such other cities or towns as have their educational interests provided for by a special act, shall not be effected by the provisions of this act, except as herein specially provided.

When schools entitled to apportionment of public money

Sec. 39. The Secretary of State shall be *ex officio* Superintendent of Public Instruction, and shall perform all the duties of said office without any additional salary over and above that now allowed to him as Secretary of State, and without any compensation whatever for such duties.

Who to be Superintendent of Public Instruction

Sec. 40. It shall be the duty of the State Superintendent to prepare and submit to the Legislature, in each year, a report containing:

1st. An abstract of the common school reports received by him from the several county auditors, showing the number of organized school districts in the State, the number of schools taught, the enumeration of persons between the ages of five and twenty-one years, distinguishing between male and female, and the whole number taught in the district schools.

Duties of State Superintendent

2d. A statement of the condition of common schools and of all other institutions of learning in the State that may report to him.

3d. The amount of school moneys collected and ex-

pended each year from all sources, specifying the amounts from each source respectively.

4th. All matters relating to his office, the common schools of the State, and the school fund, the number and character of teachers, and whatsoever he may deem it expedient to communicate.

SEC. 41. It shall be the duty of the State Superintendent to prepare his report by the fifth day of December in each year, and to prepare and forward to each county auditor all blanks necessary for carrying into effect the provisions of this law.

SEC. 42. The State Superintendent shall prepare and distribute proper school registers for teachers, and forms necessary for the returns of county auditors and district clerks, which he is authorized to procure from the State printer.

SEC. 43. It shall be the duty of the State Superintendent to make an apportionment of the available current school funds in the State treasury among the several counties of this State on the first Monday of February, in proportion to the number of scholars between the ages of five and twenty-one years, residing therein on the first day of October previous and, to transmit a statement thereof to the county auditor of each county of the State.

SEC. 44. Chapter eleven of the session laws of 1861, being an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, approved March 7th, A. D. 1861, and all acts and parts of acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 45. This Act shall take effect and be in force from and after its passage.

Approved March 6th, 1862.

When to make report

To prepare necessary forms

Make apportionment of current school funds

Repeal of former acts