

CHAPTER LIV.

An Act to constitute school districts number one and eighty-four, of Blue Earth county, a school district and body corporate by the name of "Mankato School District." February 19, 1868

SECTION 1. What territory to constitute a school district and body corporate by the name of "Mankato School district."

2. Declared to be successor of school districts numbers 1 and 84.
3. When electors to meet and elect a Board of Education—of whom to consist—term of office—when annual election to be held.
4. Corporate name of said Board—powers of said Board.
5. When Board to meet to choose officers.
6. Board to elect Superintendent of School—duties of.
7. Who entitled to compensation.
8. What to constitute a quorum.
9. Vacancies in Board, how filled.
10. Superintendent to examine teachers making application for schools in said district.
11. The President and Clerk to file letters of acceptance in the office of the Clerk of said district—duties of President.
12. Duties of Clerk—to make and transmit report to County Auditor—when—what to contain.
13. When records of said Board may be received as evidence in all courts.
14. Treasurer to give bond—in what sum—duties of.
15. Relating to stated and special meetings—when Treasurer authorized to disburse funds in the treasury.
16. How special meetings of the district may be called.
17. Relating to purchasing sites for and erecting school houses.
18. Powers of the Board of Education.
19. Authorized to effect a loan to defray the current expenses of the year.
20. Board authorized to levy an annual tax for school purposes—limitation to amount of tax to be raised.
21. Admission to all children domiciled in said district, gratuitous.
22. How taxes to be levied and collected.
23. Repeal of inconsistent acts.
24. How act may be repealed.
25. When act to take effect.

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

SECTION 1. That the territory now embraced in school

What to constitute the Mankato School District.

districts numbered one and eighty-four, of Blue Earth county, shall constitute one school district and body corporate, by the name of "Mankato school district," which shall have a corporate seal.

Successor to school districts numbers 1 and 84.

SEC. 2. That said "Mankato school district" is hereby declared to be the successor of school districts numbered one and eighty-four of Blue Earth county, and all property and assets of said districts numbered one and eighty-four are transferred to, and all liabilities thereof are assumed and are to be paid by said "Mankato school district."

When to elect Board of Education—of whom to consist—term of office—when annual election to be held.

SEC. 3. On the last Saturday of March, A. D. one thousand eight hundred and sixty-eight, at seven o'clock P. M., the electors of said district shall assemble in the Union school house in said district, of which at least ten days' previous notice shall be given by the clerk of the said school district number one, by publishing the same in the Mankato Union and Mankato Record, and shall then and there choose by ballot, a board of education and treasurer for said district, said board of education to consist of five members, three of whom shall serve for one year and two for two years, the time that each shall serve to be designated on the ballot, and annually thereafter on the last Saturday of March there shall be chosen, in the same manner, alternately three and two members, who shall serve for two years, and a treasurer who shall serve for one year, and until their successors are elected, and qualified. The persons so elected shall, within ten days after their election, file their acceptance of the same in the office of the district clerk.

Corporate name—powers of said Board.

SEC. 4. Said board elected and qualified as aforesaid, and their successors in office, shall be known by the name of "the board of education of Mankato school district," and as such and by such name shall have perpetual succession, and 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 said district, and shall receive all property except moneys belonging or accruing to said district, or any part of the same, for the use and benefit of the public schools therein, and succeed to all the rights and be subject to all the liabilities of the same, and the said board, in the corporate name of the district, shall be capable of contracting and being contracted with, suing and being sued, and shall also be capable of receiving any gift, grant, bequest or devise, made for the use or benefit of the public schools in

said district. And all moneys accruing to said district under any law of this state, for the use or benefit of the public schools therein, shall be paid over to the treasurer of said district.

SEC. 5. Said board of education shall convene annually on the second Saturday, next after such annual election as aforesaid, and at such meeting shall choose one of their number as president of said board, and one as clerk, for the year next ensuing.

When Board to choose officers.

SEC. 6. The board of education shall elect a school superintendent, who may be the principal teacher in said schools, who shall hold his office during such time, and who shall receive such compensation as shall be specified in a written contract to be made between him and said board of education. *Provided*, That the board may at any time, for sufficient cause remove said superintendent, and fill the vacancy.

Board to elect Superintendent of School—duties of.

SEC. 7. No member of said board shall receive any compensation for his services, except the clerk, who shall receive such compensation as shall be fixed by the board, for making a list as hereinafter provided, of the names of all persons between the ages of five and twenty-one years, residing in said district.

Who entitled to compensation.

SEC. 8. Three members of said board shall constitute a quorum for the transaction of business, at any regular or special meeting.

What to constitute a quorum.

SEC. 9. Vacancies occurring in the board of education shall be filled by the electors of said district, at an annual or special meeting, which shall be called and noticed as hereinafter provided. A vacancy in the office of treasurer shall be immediately filled by the board, said appointee to hold his office during the unexpired term.

Vacancies, how filled.

SEC. 10. It shall be the duty of the superintendent to examine teachers making application for schools in said district, which examination shall be public and in the presence of the board, and to grant certificates to such persons as shall by him be deemed suitably qualified; which certificate shall in all cases specify the branches which he deems the person to whom the same may be issued qualified to teach; and he shall have power, with consent of the board, for sufficient cause, to annul such certificate, and when so annulled, the person holding the same shall be discharged as teacher. He shall direct the teachers in the discharge of their duties, conduct all examinations for promotion and assign the scholars to the respective grades

Who to examine teachers.

which they are qualified to enter, and shall perform such other duties as the board prescribe.

President and
Clerk to file ac-
ceptance—duties
of President.

SEC. 11. The president and clerk shall file in the office of the clerk of the district, their written acceptance of office as such before entering upon its duties. The president shall preside at all meetings of the board and district, (except that a president *pro tempore*, may be chosen in his absence,) shall sign all orders drawn upon the treasurer for moneys voted to be paid by said board, and perform such other duties as the board prescribe.

Duties of Clerk
—to report to
Auditor—when
—what to con-
tain.

SEC. 12. The clerk shall act as clerk of the district as well as clerk of the board, (except that in his absence, a clerk *pro tempore*, may be chosen,) shall keep a record of the proceedings of all district meetings as well as of the meetings of the board, and of all reports made by him to the county auditor, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district, shall furnish to the county auditor on or before the first day 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, or by the board of education; he shall give at least ten days previous notice of the time and place of each annual or special meeting, setting forth in every notice all the objects for which such meeting is called and held, by publishing the same in some newspaper or newspapers printed and in general circulation in said district. He shall upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order, the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it was drawn, and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same; he shall keep all records, books and papers belonging to his office, and deliver the same to his successor. He shall, between the first and fifth day of October in each year, make and transmit to the county auditor, a report in writing showing:—

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

Second—The number of those who have attended the schools during the year.

Third—The length of time the schools have been taught by qualified teachers, and the wages paid them by the district.

Fourth—The amount of money received from the county treasurer, from the money apportioned by the county auditor.

Fifth—The amounts of money received from taxes voted to be raised by said district, or by the board of education; the purposes for which they were raised, the manner in which said amounts have been expended; the condition of school houses 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. Any failure on the part of said clerk to make report to the county auditor as provided herein, shall be deemed a misdemeanor, punishable by a fine not exceeding five hundred dollars for the use of said district. Said clerk shall furnish to each teacher, before the commencement of any school and as often thereafter as may be deemed necessary, a school register. Said clerk shall perform such other duties as may be designated by said board.

SEC. 13 The records of said board, signed by the president, or a transcript thereof, or any part thereof, and all papers belonging to the office, or a transcript thereof, certified by the clerk, shall be prima facie evidence in all courts of justice in this state of the facts therein stated, and all records, books and papers belonging to said board, shall be subject to the inspection of any legal voter of said district.

When records of said Board may be received as evidence.

SEC. 14. The treasurer, before entering upon the duties of this office, 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 not less than two sureties, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer, such bond shall be filed with the clerk of the board, and in case of any breach of any condition thereof, the board shall cause an action to be commenced thereon in the name of the district, and the money recovered shall be applied to the use of the district. Said board may require said treasurer to give additional security from time to time. Said treasurer shall receive, and upon the order of the board, signed by the clerk and president, pay out all moneys belonging to the district, paying each order

Treasurer to give bond—in what sum—duties of.

only out of the particular fund upon which it is drawn, and shall keep an accurate, detailed and separate account of such fund coming into his hands, in a book or books provided for that purpose. Said treasurer shall, within five days preceding the last Saturday in March in each year, file with the clerk of the board, a report in writing, signed by him, and containing a statement of all the moneys received by him, during the year preceeding, and of all his disbursements. Said report shall be examined by the board (before which the treasurer shall exhibit his vouchers) before the annual meeting of the district, and be approved or disapproved by resolution entered upon the records of said board. Said treasurer shall make such reports of the business of his office as may be called for by the board at any time. He shall keep all records, books and papers belonging to his office, and deliver the same to his successor in office on demand. He shall pay over to his successor in office, on demand, after such successor has given bonds as hereinbefore required, all money in his hands belonging to said district, and perform such other duties as may be required by the board. He shall receive no compensation for his services as treasurer.

SEC. 15. Said board may hold stated meetings at such times and places in said district as they may appoint. Special meetings thereof may be called by the president, or by any two members on giving one days personal notice of the time and place of the same, and said board, by resolution, shall direct the payment of all moneys that shall be paid out of the treasury, and the treasurer shall pay out no moneys except on the written order of the clerk, countersigned by the president.

SEC. 16. Special meetings of the district may be called on the order of the board of education, or by the request of five or more freeholders or house holders of said district, due notice of which shall be given as hereinbefore provided.

SEC. 17. Whenever said board deems it necessary to purchase or erect a school house or school houses for said district, or to purchase a site or sites for the same, they shall call a meeting of the legal voters of the district as hereinbefore provided, and said meeting, if there shall be present one hundred or more legal voters, may determine, by a majority vote, upon the purchase or erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised

Stated and special meetings—when authorized to disburse funds in the treasury.

How special meetings may be called.

May purchase sites for school houses.

for the purpose aforesaid, and the time or times when the same shall be paid, which money, so voted, shall thereupon be certified by the board of education by its president and clerk, to the auditor of the county, and shall be assessed in said district. *Provided*, That no tax shall be levied in any one year exceeding eight mills on the dollar, for the purpose of building a school house or school houses, or procuring sites therefor.

SEC. 18. The board of education shall have power, and it shall be their duty—

First—To establish and organize such grades of schools, alter and discontinue the same in said district, as they may deem expedient.

Second—To provide necessary rooms or buildings for school houses, and grounds about the same.

Powers of the
Board of Edu-
cation.

Third—When authorized by a vote of the district, to purchase or erect one or more school houses, and purchase sites for the same.

Fourth—To purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school houses, and to furnish fuel for the same.

Fifth—To take care of the property of the district, and procure insurance and make all repairs upon the same, or any part thereof, when deemed expedient.

Sixth—To contract with, employ and pay teachers, who have received certificates as herein provided, and to discharge the same.

Seventh—To defray the necessary expenses of the board, pay the compensation of the clerk and superintendent, and for such printing, record books, stationery and other incidental matters as may be deemed proper.

Eighth—To superintend and manage in all respects the schools of said district, and from time to time to adopt, alter, modify and repeal, rules for their organization, government and instruction, for the keeping of registers, for the reception of pupils, resident and non-resident, within the district, their suspension, expulsion and transfer from one school to another, to prescribe text books in all cases where the legislature of the State has not prescribed them, and a course of study for the schools, and to visit each of the schools in said district not less than once in three months.

Ninth—To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and prescribe penalties for the breach thereof,

to be recovered as penalties in other cases, before a justice of the peace, and to change and repeal the same.

Tenth—To make, change and repeal rules relating to the organization, government and business of said board, and the duties of its officers.

Eleventh—To provide for the prompt payment, at maturity, of the principal and interest, of any indebtedness of the district, by voting from time to time taxes upon the taxable property of said district, sufficient to meet the same, making allowance for delinquency in paying any part of such taxes.

Twelfth—To furnish to the superintendent the necessary blanks for all such grades of such certificates as said board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

SEC. 19. Said board of education shall have power to effect a temporary loan or loans of money not to exceed in the sum total two thousand dollars in any one fiscal year, to defray the current expenses of the schools for that year. Said loan or loans shall be repaid out of the first moneys paid into the treasury for the purpose of defraying the current expenses of the schools.

SEC. 20. Said board of education are hereby authorized and empowered once in each year to determine upon, assess and levy a tax upon all the taxable property in said school district, not to exceed five mills on the dollar in any one year, according to the valuation thereof as the same appears upon the assessment rolls of that year, in the office of the county auditor, for the purpose of repairing school houses and keeping in operation and maintaining schools in said school district, not less than twenty nor more than forty weeks in one year, which said tax shall be certified in the same manner as taxes voted to be raised by the district are certified, and all moneys raised by taxation or otherwise for the use and benefit of said district shall be paid to the treasurer of said district, and shall be disbursed solely under the direction of the board of education. Said board shall publish annually a report containing the full report of the treasurer and such parts of the clerk's report, together with such other matters as may be of interest to the electors of said district.

SEC. 21. Admission to said schools shall be gratuitous to the children, wards and apprentices of all actually domiciled in said district, who may be entitled to the privileges

Authorized to effect a loan— for what purpose.

To levy an annual tax for school purposes —to what limit.

Free admission to be given to all children of the district.

of the public schools under the general laws of this state. *Provided*, That for the purposes contemplated in this act, said board shall determine who are actually domiciled therein.

SEC. 22. All taxes raised by virtue of this act, shall be levied and collected in the same manner and by the same officers as county taxes are levied and collected. How taxes levied and collected

SEC. 23. All acts and parts of acts inconsistent with this act, are hereby repealed, so far as they relate to said district, and the general school laws of this state, shall apply to and govern said district, except as herein provided. Repeal of inconsistent acts.

SEC. 24. This act is not to be repealed or affected by any subsequent act, unless specially mentioned therein. How act may be repealed.

SEC. 25. This act shall take effect and be in force from and after Friday the twenty seventh day of March, A. D. one thousand eight hundred and sixty-eight. When act to take effect.

Approved February 19, 1868.

CHAPTER LV.

An Act to authorize Mankato School District to Issue bonds. February 29, 1863

- SECTION 1. Authorized to issue bonds—in what amount—at what rate of interest—for what purpose.
2. Bonds to be issued and paid in accordance with the general laws of this State.
 3. When act to take effect.

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

SECTION 1. That Mankato school district in the county of Blue Earth, be and the same is hereby authorized to issue the bonds of said district, to an amount not exceeding ten thousand dollars, for the purpose of paying up as the same shall fall due, the outstanding bonds of said district Authorized to issue bonds—in what amount—at what rate of interest—for what purpose.