

railroad in this State, and which company or corporation has failed or neglected to fence said road and to erect crossings and cattle guards, and maintain such fences, crossings and cattle guards, shall hereafter be liable for all damages sustained by any person in consequence of such failure or neglect.

Liability of companies operating railroads, for damages.

SEC. 2. This act shall take effect, and be in force from and after its passage.

When act to take effect.

Approved March 1, 1877.

CHAPTER 74.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF PUBLIC SCHOOLS IN THE STATE OF MINNESOTA.

CHAPTER I.

ORGANIZATION OF SCHOOL DISTRICTS.

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

SECTION 1. Every common school district in this State, now established, or which may be hereafter formed, set off or established, and every independent and special school district now organized or created, or that may hereafter be organized or created under any law of this State, is hereby declared to be a body corporate, with power to contract or be contracted with, sue and be sued, in any court of this State having competent jurisdiction.

Districts bodies corporate.

Every common school district shall be such body corporate under the name of school district number in the county of Every independent school district shall be such body corporate under the name which has been or may be adopted by such district ; and every school district, organized under any special act of the Legislature, by the name designated in its charter or act of incorporation.

Every school district shall be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of one year.

All schools supported, wholly or in part, by State school funds, shall be styled the public schools, and admission to them shall be free and without charge to all persons between the ages of five and twenty-one years, residing in the district.

SEC. 2. School districts shall be classified as follows :

Districts di-
vided into
three classes.

First.—Common school districts, including all districts not embraced in either of the two following classes.

Second.—Independent school districts, including all districts now organized as such, or that may hereafter be organized under chapter seven of this act.

Third.—Special school districts, including all districts now organized as such, or that may hereafter be organized wholly or in part under any special law of this State.

Districts to be
numbered.

SEC. 3. The numbers of districts now existing and numbered in each county, shall be continued to such districts respectively; and such districts as may hereafter be formed shall be numbered in the several counties by the county auditors, who shall make and keep in the records of their offices a clear and well-defined plat or description of each school district, and of such formations and alterations as may from time to time be made.

Can hold prop-
erty.

SEC. 4. Every district shall hold, in the corporate name of the district, the title of lands and other property now owned, or which may hereafter be acquired for school district purposes in such districts, and no property held by school districts for public school purposes shall be subject to taxation.

Title in doubt.

SEC. 5. When the title to lands or other property, held for school purposes, is in doubt, or is vested in other parties than those prescribed in the preceding section, the trustees of the district or board of education shall procure the title to such lands or other property, to be vested as provided therein.

How to acquire
sites.

SEC. 6. Whenever it shall become necessary for any common school district, or any independent or special school district in the State, to acquire for the use thereof a site for a school house, or for any addition to any school house site, the title to any real estate, whenever the same shall not be acquired by agreement with the owners thereof, may be acquired by any such school district, in the manner hereinafter provided.

Petition de-
scribing lands.

SEC. 7. The board of trustees of any such common school district, or the president or other chief executive officer of any such independent or special school district may, on behalf of such district, present to the district court in and for the county where the lands proposed to be acquired are situate, or to the judge of said court, a petition describing the lands which it will be necessary to acquire, the names and residences of the owners thereof, if known to the petitioners, and also the names of all other parties by the records of such county appearing to have any interest in or lien upon such lands, and thereupon such court or judge shall make an order, designating a time and place when and where commissioners will be appointed to appraise the value of such lands, and the damages which may accrue by the taking and use of the same.

SEC. 8. A copy of such order shall be personally served upon the owner and other persons interested in such lands, if they be residents of this State, and their place of residence be known to the petitioners, which service shall be made at least twenty days before the time fixed for the appointment of such commissioners. Service upon minors or insane persons may be made by leaving a copy of such order with their guardian or other person having such minor or insane person in charge. If such owner or other person interested, or any of them, be not residents of this State, or if the place of residence of such person be unknown to the petitioners, the service of such order shall be made by the publication thereof, once in each week, for three successive weeks, in a newspaper published in the county where such lands are situate, or if there be none, then in a newspaper published at the capital of this State, the last of which publications shall be at least twenty days before the time fixed for the appointment of such commissioners.

Copy to be served on owner.

Notice may be published.

SEC. 9. At the time and place named in such order, the court or judge, after satisfactory proof of the service of such order, and of the necessity of the taking and appropriating such lands, shall appoint three disinterested persons, residents of such county, as commissioners, who shall have power to appraise the value of all lands mentioned in such petition, and the damages for the taking and use of the same. Said commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath that they will faithfully perform their duty as such commissioners without partiality, and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of such court. Said commissioners shall give notice to all persons named in such petition of the time when they will meet upon the lands described in such petition, to appraise the value of the same, and the damages which may accrue by the taking and use thereof. Such notice shall be served in the same manner provided in section two of this act, except that the same shall be made at least five days before the time designated for such meeting.

Appraise lands for site.

SEC. 10. At the time designated in such notice the commissioners, or a majority of them, shall meet upon the lands described in the petition, and shall proceed to examine the same and to hear the allegations and testimony of all persons interested and appearing, and shall within ten days thereafter make and file in the office of such clerk their appraisal and award of the value of such lands, and of the damage sustained by reason of the taking and use thereof.

Meeting of appraisers.

Provided, first, either party may appeal from such appraisal and award at any time within thirty days after filing the same, by filing with the clerk of said court a notice of appeal, signed by the party taking the same. In case of an appeal, the clerk shall enter such appeal as an action in

Appeal possible.

said court, naming such school district as plaintiff, and the persons named in such petition as owners of and interested in such lands as defendants, and thereupon such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein.

Provided, second, in case no appeal shall be taken, the clerk of such court shall enter judgment in favor of the owner of such lands and against such district for the amount of the award; and in case of an appeal, the clerk shall in like manner enter judgment for the amount of the verdict and costs, if any, and declaring that upon payment of the amount of the verdict, or assessments and costs as aforesaid, to the owner of such lands, or to the clerk of such district court, the title to the lands and real estate aforesaid for the purposes aforesaid, shall, as against the owners of and the parties interested in such lands and real estate, pass to and vest in such school district, and be and remain therein, and such school district shall have the right to have and occupy the said lands for the uses and purposes aforesaid. The petition, orders, oaths of commissioners, notices, proofs of service, award and verdict, if any, together with the final judgment, shall constitute the judgment roll:

Provided, third, in case no person other than the owner of such lands appears in such proceedings, the amount of such judgment shall be by the clerk of such court paid to such owner; in all other cases, the same shall be paid in such manner as the court or judge may direct.

SEC. 11. The fees of such commissioners, for all services rendered by them under this act, shall be the sum of three dollars each, which, with all other costs of such proceedings, shall be paid by such district.

SEC. 12. The county commissioners of the several counties in this State may form new school districts, alter the boundaries of districts, or unite districts, upon the petition of one-fourth of the freeholders who are legal voters, residing in each district to be affected thereby, and upon the written approval of the county superintendent endorsed upon such petition.

SEC. 13. Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in section one of article seven of the constitution of the State of Minnesota, who shall have resided in the United States one year, and in this State for four months next preceding any election held for the purpose of choosing any officer of schools, or any school district meeting called to consider any measure relating to schools, shall be entitled to vote at such election or meeting, in the school district of which she shall at the time have been for ten days a resident; and any woman so entitled to vote shall be eligible to hold any office pertaining solely to the management of public schools; *Provided,* that it shall be the duty of all judges of election to permit any woman to vote

Proceedings
when no ap-
peal is taken.

Fees for ser-
vices.

Commissioners
may form new
districts.

Women may
vote in school
meetings.

at any election for the purpose of choosing any officer of schools, or any district school meeting called to consider any measures relating to schools, if they are satisfied that she is otherwise a legal voter, without requiring her to register as now provided by law for male voters.

SEC. 14. Whenever the charter or act of incorporation of any city or village provides for the election of public school officers within such city or village, at the same election at which other officers of such city or village are elected, the ballot offered by any woman entitled to vote under this act, shall not contain the name of any person to be voted for at such election, except such officers of public schools; and all such ballots shall be deposited in a separate ballot box, but canvassed with the other ballots cast for school officers at such election. Separate ballot for women.

SEC. 15. Upon the presentation of any petition respecting changes in the boundaries of school districts, the county commissioners shall appoint a time and place for a hearing upon it, and shall post notice thereof, setting forth the substance of the petition, and the time and place of such hearing, in some public place in each district to be affected by the proposed change, and cause to be served a copy thereof upon the clerk of each district to be affected, at least ten days before the time appointed for such hearing. Petitions for changing districts.

SEC. 16. At the time and place so appointed for such hearing, the commissioners, having publicly read the petition, shall proceed to consider the same, with anything which may be said by interested persons for or against granting the prayer of the petitioners. At the conclusion of such hearing, which may be adjourned from time to time, they shall cause to be entered upon the records of such board their decision, which shall be in the form of an order particularly describing the districts affected thereby, signed by the chairman, and attested by the auditor, who shall, if the action of the commissioners be affirmative, cause a copy thereof to be filed with, or addressed by mail to the clerk of each district affected. Hearing of petitions.

Provided, first, that when the territory of the district, or the districts to be affected by such formation, alteration or consolidation, consists of parts of two or more counties, the petition shall be presented to the commissioners of such counties, who shall, by concurrent action, hear the petition in the manner directed, and such action shall be entered upon their records in the several counties, by the several county auditors, who shall file copies thereof with the clerks of districts affected thereby, in their respective counties, in the manner directed. Petition for joint districts.

Provided, second, that if any five or more voters, who are freeholders residing in the district, and who may feel aggrieved by the alteration or organization of their district, shall make a written application to the county commissioners Petition by five freeholders.

for a rehearing of any matter in relation to school districts upon which they have entered their order, said commissioners shall cause notice of a rehearing of such matter to be served upon the clerks of districts, and posted as provided in case of petitions; and at the time and place stated in such notice, they shall hear such grievance, and make such order in the premises as they may think justice requires.

Petition by
one person.

Provided, third, that upon a petition of any legal voter to said commissioners, stating that it is the desire of the petitioner to be set off from the district in which he then is, to some district adjoining the same, which petition shall show that the petitioner is a resident of and a freeholder in the district from which he desires to be set off, and that his land is adjoining the district to which he wishes to become attached, and also the reason for the same, which petition shall be verified by the oath of the petitioner, to the effect that the statements therein contained are true to the best of his knowledge and belief: the said commissioners, having given notice as provided in case of petitions signed by more than one person, may change the boundaries of the district in which said petitioner resides, so as to set him off to some other district adjoining the same, whenever it shall seem to them just and proper so to do.

Women may
sign petitions.

Provided, fourth, that petitions and remonstrances respecting changes in the boundaries of school districts may be signed by women entitled to vote in school meetings of the district, and by persons actually resident in the district upon lands which they hold under pre-emption or homestead act, if such persons are voters under the constitution, in the township containing the district in which they reside.

Districts may
contain six
miles square.

SEC. 17. Any school district hereafter organized or altered, may contain the entire township in which it is situated, or a tract of land six miles square in different townships, and persons not residents of such district, and to whom the school in such district is easier of access than the school in any other district, may, upon application to the county commissioners of the county in which such district is located, be admitted to all the benefits of such school, upon such terms as the said commissioners may deem proper.

Provided, first, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member.

All territory to
be attached to
some district.

Provided, second, that in organized counties containing nominal school districts in which schools have not been held for two years, or territory not embraced in any school district, the county commissioners shall attach such nominal school districts, and all such territory, to adjoining districts having schools. Such territory shall be distributed to dis-

tricts in the most equitable manner possible, and with regard to the convenience of any residents upon the same.

Provided, third, that county commissioners shall make no changes in the boundaries of existing school districts, unless upon recommendation of county superintendents of schools, that shall leave any old district, or constitute any new district with less than thirty-five residents between five and twenty-one years of age, except under the condition of the third proviso of section sixteen, chapter one, of this act.

SEC. 18. No changes in the title, condition, or relation of existing school district property, shall affect 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 holds any contract, right, obligation, or cause of action, or lien upon any such district or the property thereof.

CHAPTER II.

MANAGEMENT OF SCHOOL DISTRICTS.

SECTION 1. The legal voters of school districts, when lawfully assembled, not less than five being present, shall have power by a majority of votes of those present,

First.—To appoint a moderator.

Second.—To adjourn from time to time.

Third.—To elect a director, clerk and treasurer, which elections must be by ballot, and when necessary to choose a clerk pro tem.

Fourth.—To designate a site for a school house.

Provided, that the site of a school house shall not be changed after having been designated, unless at least two-thirds of the legal voters of the district vote in favor of such change; except that whenever a majority of the legal voters of any school district voting thereon, shall determine to build a new school house, or to remove a school house already built in such district, and the school house site therein shall be more than one-quarter of a mile from the centre of the district, then a majority of the legal voters of such district voting thereon, may change the site to a more central location.

Fifth.—To vote an amount of money to be raised by a tax on the taxable property of the district, sufficient to meet the conditions on which apportionments from State school funds are made to districts, and to raise such additional amounts as the district may determine, to purchase or lease a site for a school house, and to build, hire or purchase such school house when the same is 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

Limit to division of districts.

Changes not to affect contracts

Powers of legal voters in district meetings.

Two-thirds vote to change site.

To vote tax.

To provide school house.

and school apparatus; to appoint a librarian, and to make all rules necessary for the usefulness, preservation and increase of the library.

Sixth.—To repeal or modify their proceedings from time to time, in accordance with the powers conferred by this act.

Eight mills
limit.

\$600 limit.

Less than ten
voters.

Provided, first, no school district shall in any one year levy a tax exceeding eight mills on the dollar, for the purpose of building a school house, or leasing or procuring a site for a school house; but any district in which the above rate will not produce the sum of six hundred dollars, may raise by a tax that sum in any year, if the rate does not exceed twenty-five mills on the dollar on all taxable property of the district.

Provided, second, that the legal voters of any school district containing less than ten voters, when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present, to do and perform all the acts mentioned in the several subdivisions of this section, except that such meeting shall not vote a tax to exceed in amount two hundred dollars in any one year.

Officers named.

Annual meet-
ing in Septem-
ber.

Notice of elec-
tion within
three days.

Time of hold-
ing office.

SEC. 2. The officers of each common school district shall be a director, a treasurer, and a clerk, who shall be elected by ballot at the annual meeting, which shall be held on the first Saturday in September of each year, at seven o'clock P. M., unless a different hour shall have been fixed by a vote at the last preceding annual meeting.

The clerk shall, within three days after the meeting, notify such persons of their elections, and they shall enter upon their terms of office on the tenth day after such notice is received, and continue in office until their successors are elected and qualified, under the following order:

Of the boards elected at the annual meeting in October, eighteen hundred and seventy-two, the director shall hold his office one year, the treasurer two years, and the clerk three years, and thereafter one trustee shall be elected annually. But when a new district is formed, a meeting for organization may be called by a notice stating the object of such meeting, signed by three freeholders or householders residing within the limits thereof, and posted in five conspicuous places in the district ten days before the time fixed for holding such meeting, and such meeting so called shall have the same power as annual meetings. *Provided,* that the board of trustees elected at such meeting shall hold their respective offices till the next annual meeting; and, of the officers elected by any district at the first annual meeting after its organization, the director shall hold his office one year, the treasurer two years, and the clerk three years.

Filling vacan-
cies by ap-
pointment.

SEC. 3. In case of any vacancy in the board of trustees, the vacant office shall be filled by the remaining members, until the next annual meeting, when the vacancies shall be filled by election for the unexpired term.

Provided, that if any vacancy exists, and the remaining members of the board neglect or fail to fill it by appointment, within ten days after its occurrence, a special meeting of the district, to fill such vacancy or vacancies, may be called, as in the case of the organization of a new district, the notices for which, signed by three freeholders or householders, shall set forth the business the meeting is called to transact, and the officers elected at such meetings shall hold the offices to which they are elected during the unexpired current term of the office to which they are severally elected, and until their successors are elected and qualified.

Meeting may be called to fill vacancy.

SEC. 4. All persons elected as district officers, under the provisions of this chapter, shall, within ten days after notice thereof by the clerk, file their acceptance of the same, in the office of the district clerk; and a failure to file such acceptance shall be deemed a refusal to serve; and it shall, thereupon, be the duty of the officers holding over, to fill such offices by appointment, until the next annual meeting, and until the successors of such appointees are elected, or appointed, and qualify for office.

Officers to qualify within ten days.

Provided, that if any vacancy is not filled by the remaining trustees, within the time specified for such appointment, it may be filled at any subsequent time, before notices have been posted for an annual or a special meeting.

Vacancies may be filled before notices are posted.

SEC. 5. The director, treasurer, and clerk of each common school district shall constitute a board of trustees, and any two of such board may make any contract, or perform any act which the board as such is authorized to make or perform. The board of trustees shall 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, designated by a majority of the legal voters of the district; shall build, hire, or purchase a suitable school house, with the funds provided for that purpose, and when directed by a majority of the qualified voters at any legal meeting of the district, may sell or exchange any such site or school house, but the site for a school house shall not be changed, after having been designated, unless at least two-thirds of the legal voters of the district vote in favor of the change.

Board of trustees—their powers.

SEC. 6. The board of trustees shall submit to the legal voters of the district, at their annual school meeting, an estimate of the expenses of the district for the coming year, for the time during which a school is required to be held, as a condition of sharing in the State school funds, and for such further time as the legal voters may vote to have school. Said trustees shall have power, and it shall be their duty, to levy a tax, if the district neglects to vote such tax, sufficient to support a school for the time, in each year, necessary to secure apportionments from the State school funds, and the legal voters may vote to have a school any further length of

May levy tax, if district neglects.

Must provide school for the time voted.

Not to incur debt.

When board may open more than one school

Two-thirds vote to issue bonds.

Ten years the limit of time. Twelve per cent. the limit of interest.

Bonds not to be sold less than par.

Provision for payment of bonds.

time deemed proper, and the trustees shall provide a school, in each year, for the entire time for which a school was ordered and funds provided by the district. *Provided*, that the trustees, in any action taken without definite instructions, shall not permit the current expenses of the school, in any year, to exceed the amount which they are authorized to levy, or which the district has voted, or which may be on hand for such school.

SEC. 7. When any school district shall have determined, by a majority of qualified voters, at any legal meeting thereof, to open more than one school, it shall be the duty of its board of trustees to provide for the opening of such school, and to arrange for each school the proper number of scholars.

SEC. 8. The trustees or board of education of any school district in this State, are hereby authorized, and fully empowered, to issue the orders or the bonds of their respective districts, with coupons, in such amounts and at such periods as they may be directed, by a vote of two-thirds of the legal voters, present and voting at any legally called meeting of the same; said orders or bonds to be payable in such amounts and at such times, not exceeding ten years, as the legal voters thereof at such meeting shall determine, with interest not to exceed twelve per cent. per annum, which orders or bonds and coupons shall be signed by the director, and countersigned by the clerk of said district, or by the president and clerk of the board of education. *Provided*, that nothing herein contained shall be construed to authorize the issuing of such orders or bonds, unless two-thirds of all the legal voters present and voting, shall vote in favor thereof, at an annual or special meeting of the legal voters of said school district.

SEC. 9. No bonds shall be issued or negotiated, under authority of this act, by any board of trustees or board of education, for less than par value; nor shall such bonds, or the proceeds thereof, be used or appropriated for any purpose other than the purchase of a site for, and in the erection, completing, and furnishing of a school house, in and for the district issuing such bonds.

SEC. 10. The board of trustees or board of education, of any district issuing such bonds, shall, on or before the tenth day of October next, after the date of such bonds, and each and every year thereafter, on or before the tenth day of October, until the payment of such bonds and interest is fully provided for, levy, and in due form certify to the auditor of the county or counties in which such district is situated, a tax upon the taxable property of such district, equal to the amount of principal and interest maturing next after such levy, and in the discretion of the board, such further sum as it shall deem expedient, not exceeding twenty per cent. of such maturing bonds and interest, which taxes shall

be paid in money, and shall constitute a fund for the payment of such bonds, and the interest thereon.

SEC. 11. All taxes levied, or orders or bonds issued since February twenty-eighth, eighteen hundred and sixty-six, and prior to March first, eighteen hundred and sixty-seven, by school districts in this State, for purchasing site for, and the erection, completion, and furnishing school houses, are hereby legalized and declared valid.

Bonds since February, 1866 legalized.

SEC. 12. All special taxes for any public school purpose in pursuance of law, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

Taxes—how to be levied and collected.

SEC. 13. The board of trustees, at a meeting called for that purpose, shall hire for and in the name of the district, such teachers only as have certificates of qualification, and make written contracts with such teachers, specifying the wages per month and time employed as agreed upon by the parties, and file such contracts in the office of the clerk. *Provided*, that the term month, whenever it occurs in any section of this act, shall be construed to mean four weeks, of five days each. They shall provide fuel for the schools of the district, if the voters of the district make no provision for fuel at their annual meeting; shall furnish all things necessary for the school house during the time a school shall be taught therein, which shall be at least three months in each school year, and such further time as the district, by vote, may direct. Every teacher shall procure a register for his school from the clerk of the district, keep a daily record of attendance and of such other matters as may be required in such register, and receive all persons sent to him between the ages of five and twenty-one years residing in the district, and such other persons as may attend school under any arrangement with the board of trustees.

Trustees to hire teachers.

Four weeks a school month.

What trustees must furnish.

Teacher must keep register.

SEC. 14. The board of education and board of trustees shall have sole power to admit the attendance of persons over the age of twenty-one years, or non-residents of their districts, upon payment of such rates of tuition as may be determined by the board; and each member of the board shall visit the school at least once in each term, and give such advice to the teacher as may be for the benefit of the school.

Trustees admit pupils.

Provided, first, that in the schools of common school districts, the books used, and all instruction given, shall be in the English language; but teachers able to speak any other language that is the vernacular of any pupil, may use that language to aid in teaching the meaning of English words, and may also give instruction in such language not to exceed one hour in each day; but no such instruction shall be given unless the trustees of such district have expressed themselves unanimously in favor thereof.

Foreign languages in common school.

Provided, second, that admission to any school organized under the provisions of this act, or any special school law of

Limits to school age.

this State, sustained in whole or in part by State school funds, shall be gratuitous to the children of all actual residents in the district wherein such school is taught, between the ages of five and twenty-one years, and to all other persons between the same ages who may be in good faith living in said district, and have not come into the same for the purpose of attending school.

Children domiciled in a district.

Trustees may expel—for what.

Provided, third, that boards of trustees and boards of education may suspend or expel pupils for insubordination, immorality, or infectious disease.

Director to represent district.

SEC. 15. The director shall appear for and in behalf of his district in all actions brought by or against it, whenever no other direction is given by a lawful meeting of the legal voters thereof.

Treasurer to give bonds.

SEC. 16. 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 his term, with sufficient surety 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 an action to be commenced thereon and prosecuted in the name of the district, and the money, when collected, shall be applied to the use of the district. The treasurer failing to give a bond as provided herein, or for any cause being unable to attend to his duty, the director and the clerk of the district shall proceed to appoint another treasurer, who shall give bond as required herein.

When new bonds may be required.

Provided, that two-thirds of the voters residing in any common school district may petition the director and clerk to require of the treasurer new bonds under the terms of this section. On receiving such petition, the director and clerk shall forthwith make such requisition. If any treasurer neglects for ten days to comply with such requisition, his office may thereafter be declared vacant, and be filled by appointment.

Treasurer to file annual report with clerk.

SEC. 17. The treasurer shall present and file with the clerk, three days before each annual meeting, a report in writing signed by him, and containing a statement of all moneys received by him within the year preceding, and of all his disbursements, exhibiting vouchers therefor; also, the amount received by him of taxes assessed upon the taxable property of the district within the year, the purpose for which they were assessed, the amount assessed for each purpose, which report shall be recorded by the clerk; and if it appears that there is any balance in the hands of the treasurer, he shall pay such balance to his successor in office as soon as he executes the bond required as a condition for holding the office of treasurer. The director and clerk shall examine said report, and if correct, they shall endorse the same.

SEC. 18. The treasurer of each district shall receive and pay out all moneys appropriated to or belonging to his district, and keep an accurate account of the public school funds and of the district funds raised by tax, entering in his book all receipts, so as to indicate both the sources from which received and the objects to which applicable; and disbursements shall be recorded so as to show for what purpose the money was paid.

Treasurer to keep a book.

SEC. 19. The clerk shall record the proceedings of the district meetings and of the board of trustees in a book provided for that purpose; he shall enter therein copies of all his reports made to the county auditor or county superintendent, and copy into the same the term reports as they appear in the teachers' register returned to him at the close of each term, and keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office, he shall act as the clerk of the district in all its meetings, or, if absent, record the minutes of the clerk *pro tem.*, and keep an account of all expenses of the school and school-house, and record the cost of outbuildings, fences, wood, stoves, and all the conveniences of the school-room, such as maps, charts, blackboards, and school libraries.

Clerk to keep records.

List of property to be recorded.

SEC. 20. The clerk shall give at least ten days' notice of each annual or special meeting, by posting 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 is called. Special meetings shall be called on the order of the board of trustees, or by the written request of five or more freeholders of the district.

Ten days notice of school meetings.

Provided, first, that whenever there is no district clerk, or the clerk refuses or neglects for three days to post notices for a special school meeting, after being requested in writing by five or more freeholders of the district, a special school meeting may be called by posting three notices thereof in three conspicuous places in the district, duly signed by five or more freeholders or householders, being qualified electors in the district.

Five freeholders may post notices.

Provided, second, 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, although it has not been particularly set forth in the notice for such meeting.

What may be done at annual meetings.

SEC. 21. The clerk of every school district in the State shall, on or before the tenth day of September in each year, make and transmit to the superintendent of schools in and for his county, a certified report, on a blank prepared by the State Superintendent of Public Instruction, and furnished to districts through county superintendents of schools, showing the condition and value of school property, the receipts by districts from different sources, disbursements for different objects, and such other financial matters as the blanks may

Clerks to report by September 10.

What clerks
must report.

require; and in common school districts the annual arrangements for terms of school, and the names and post offices of all school district officers for the current year. The clerk of common school districts shall also report to the county superintendent the time of the commencement of each term of school, two weeks before the time of the commencement of such term.

County super-
intendent and
county auditor
to examine re-
port.

SEC. 22. The county superintendent of schools and the auditor of each county in the State, upon the first Monday of November in each year, or upon some day in the first week of November, shall meet in the office of the auditor, and examine the reports of clerks of common and independent school districts to the county superintendent of schools for the preceding year, in order to ascertain respecting each report:

First.—Whether the cash items are recorded in their proper places, and whether the financial statement balances, and whether all questions in the report are correctly answered.

Second.—Whether the report was made within the time specified by law; and in case of any report sent by mail, it shall be deemed made when deposited in a post office, properly stamped, and addressed to the county superintendent of schools.

Clerks to be
paid for com-
plete reports.

SEC. 23. Every clerk whose report is found to be accurate and made within the time prescribed by law, shall receive pay for such service at the rate of two per cent. on the cash disbursements of the year.

When pay may
be more than
six dollars.

Provided, first, that the amount for such service shall not exceed six dollars, unless the district votes a larger sum at a school meeting, called by notices in which it was stated that action would be had on the question of increasing such compensation.

Reports may
be corrected.

Provided, second, that it may be optional with the committee for examining reports, to award pay for any report that was made within the time prescribed by law, but which contained errors, if such errors were corrected by the person making the report, before it became necessary for the county superintendent to copy such report into his report to the State Superintendent of Public Instruction.

Manner of pay-
ing for reports.

Provided, third, that the county superintendent, immediately after the reports have been examined by himself and the auditor, shall send a notice, written or printed, to every clerk found to be entitled to pay, stating such fact. Such notice shall be a voucher on which the treasurer of the district shall pay the clerk the sum due for such service out of any funds applicable to current expenses, and not needed for the payment of teachers holding orders against the district, or under contract requiring payment at the end of the term.

Clerks to re-
port tax voted.

SEC. 24. The clerk of the district shall, on or before the tenth day of October in each year, furnish to the county auditor an attested copy of so much of his district record

as will show the amount of money voted to be raised by the district for school purposes at any annual or special meeting within the year, and any amount levied by trustees under power conferred by this act, without the vote of the district.

SEC. 25. It shall be the duty of county auditors to place on file the reports of district clerks respecting the taxes to be levied on their districts, and to levy the amount specified upon the real and personal property of each district, entering such taxes upon the assessment rolls of the year so as to indicate the special object for which each amount respectively is levied. *Provided*, that county auditors, in extending such tax, shall not be required to use as a rate per cent. any fractional part of a mill other than half a mill.

Auditors to file tax list and levy tax.

Other fractions than $\frac{1}{2}$ not to be used by auditors.

SEC. 26. When a tax is voted by a district composed of parts of two or more counties, the clerk shall, on or before the tenth of October of that year, 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 that 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 by teachers to the superintendent of the county in which said portion of the district is situated, and all moneys apportioned by auditors shall be drawn by the district in the same manner as when the district is in one county.

Taxes in joint districts.

Report of scholars in fractional districts.

SEC. 27. The clerk shall draw orders on the treasurer of the district for the payment of teachers, or for any other lawful purpose, and when such orders are attested by the director, they shall be paid by the treasurer. Each order shall be dated and numbered, and shall state the service or consideration for which it was drawn, and the name of the person rendering such service or consideration, and shall be recorded in a book kept by the clerk for that purpose. The clerk shall procure from the county superintendent of schools, and furnish to the teacher a register for his school, which register, properly kept, shall be deposited by the teacher with the clerk at the close of each term, and before such teacher shall be paid for the last month of service. The clerk shall procure, from the county superintendent, blanks upon which to make his report to such superintendent. *Provided*, that if any order drawn for the payment of a teacher is presented to the treasurer for payment, and is not paid for the want of funds, the treasurer shall make a written statement over his signature, by endorsing on such order, with date showing such presentation and non-payment, and shall make and keep a record of such endorsement; such order shall thereafter

Clerks to draw orders.

Clerks to furnish registers.

When orders draw interest.

draw interest at the rate of ten per cent. per annum, until the treasurer shall notify the clerk in writing that he is prepared to pay such order.

When director may draw order.

SEC. 28. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money, authorized by a vote of a majority of the board to be paid, the orders may be drawn by the director, and paid by the treasurer, a statement thereof, with a copy of such orders being delivered to the clerk by the treasurer, or the office of the clerk may be declared vacant by the director and treasurer, and filled by appointment.

Teachers to be paid out of first money.

SEC. 29. Any teacher duly qualified and having complied with the provisions of the school laws, and having fulfilled his contract with a district to teach, shall be paid out of the first moneys in the district treasury for payment of teachers' wages, before the payment of any claims for teachers' services rendered subsequently; and no money for teachers' wages derived from the current school fund in any district treasury shall be applied to any other purpose. And any school district treasurer who shall violate the provisions of this section, shall be personally liable to the teacher who was entitled to such moneys, which may be recovered against such treasurer and his bail in any court having jurisdiction of the action, but treasurers shall not be authorized to pay teachers out of any money other than that raised or apportioned for that purpose.

Current fund all goes to teachers.

Opinions of Attorney General.

SEC. 30. If any differences of opinion arise among the officers empowered to carry out the provisions of this act, relative to the legal construction of the same, the Attorney General, on the written application of the Superintendent of Public Instruction, submitting such questions of doubt or difference, shall give his legal opinion in writing to such superintendent on the points thus submitted; and his opinion thus given, shall be binding until annulled by the judgment or decree of a court of competent jurisdiction.

CHAPTER III.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of Public Instruction—how and when appointed.

SECTION I. The Superintendent of Public Instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of two years, commencing on the first Tuesday in April following such appointment; and before entering upon the duties of his office, he shall take and subscribe an oath or make affirmation, that he will support the constitution of the United States and of the State of Minnesota, and discharge the duties of his office faithfully, and to the best of his ability, which oath or affirmation shall be filed in the office of the Secretary of State.

SEC. 2. An office shall be provided for him at the seat of government, in which he shall file all papers, reports and public documents transmitted to him by county superintendents, county auditors, and from other sources; and he shall keep a fair record of all matters pertaining to his office.

Office to be provided, and records kept.

SEC. 3. He shall receive annually a salary of twenty-five hundred dollars, and also all necessary contingent expenses for traveling, postage, and stationery pertaining to his office, to be audited and paid as the salaries and contingent expenses of other State officers. *Provided*, that his contingent expenses for these purposes shall not exceed the sum of five hundred dollars in any year. He shall be allowed and shall keep a clerk in his office, who shall receive a salary of twelve hundred dollars per annum.

Salary of superintendent.

Contingent fund.

SEC. 4. It shall be the duty of the State Superintendent to meet the county superintendents of each judicial district, or two or more districts combined, if he shall deem it more conducive to the interests of education, at such time and place as he shall appoint, giving due notice of such meeting, the object of which shall be to accumulate valuable facts relative to schools, to compare views, discuss principles, and in general to listen to all communications and suggestions, and enter into all discussions relative to the compensation of teachers, their qualifications, branches taught, methods of instruction, text-books, district libraries, apparatus, teachers' institutes, visitation of schools, and other matters embraced in the public school system.

To meet county superintendents

SEC. 5. The Superintendent of Public Instruction shall annually hold in the sparsely settled counties as many State teachers' institutes as he shall find practicable, each to continue in session one week at least. He shall give due notice thereof to all teachers and persons proposing to become such, and invite their attendance. He shall attend and have charge of each institute; invite the aid and co-operation of the superintendent of schools for the county; employ suitable instructors and lecturers to give instruction and addresses; to aid the teachers in qualifying themselves for a more successful discharge of their duties.

To hold institutes.

Provided, first, that the average expense of such institutes shall not exceed one hundred dollars a week. He shall annually, in so many and such thickly settled localities as he may deem advisable, organize, and, with the aid of others selected by himself, conduct normal training schools for the benefit of teachers who desire such training, but are unable to attend a full course at the State normal schools. Such schools shall be without charge for attendance, and entirely practical; their object being to impart normal methods of teaching and conducting schools, particularly common schools. They shall continue at least four and not more than six weeks at each place, and the average cost of them shall not exceed one hundred dollars for each week of the sessions.

To hold training schools.

Teachers to close schools to attend institutes.

Provided, second, that during the time of holding a teachers' institute in any county of this State, it is hereby made the duty of all teachers, and persons desiring a teacher's certificate, to attend such institute, or present to the county superintendent satisfactory reasons for not so attending, before receiving such certificate; and any school that may be in session in such county shall be closed, if the teacher shall request it, for the purpose of attending such institute, but the district shall not be liable for the wages of such teacher while such school is closed.

Fund for institutes.

SEC. 6. To defray the expenses of institutes and normal training schools, provided for in section five, three thousand dollars are hereby annually appropriated, to be drawn in advance by the State Superintendent of Public Instruction, upon warrants issued by the State Auditor, upon the requisition of the said State Superintendent, approved by the Governor, in such amounts as may be necessary to meet the expenses that may accrue during the progress of such institutes and training schools. The State Superintendent shall render an account of his disbursements of such funds to the State Auditor, to be examined and audited by him.

How drawn.

Rule for place of institutes.

SEC. 7. A second institute shall not be held in any county under the provisions of this act, till a session has been held in every county of the State where the number of teachers, or the interests of the schools, in the judgment of the Superintendent, shall demand it.

Superintendent to report.

SEC. 8. The State Superintendent shall prepare, on or before the fifth day of December, and submit, through the Governor to the Legislature, in each year, a report containing—

What superintendent shall report.

First.—An abstract of the common school reports received by him from the several county superintendents, showing the number of organized school districts in the State, the number of schools taught, and the enrollment and average attendance in the same.

Second.—A statement of the condition of public schools, and of all other institutions of learning in the State that may report to him.

Third.—The amount of school moneys collected and expended each year from all sources, specifying the amounts from each source respectively.

Fourth.—All matters relating to his office, the public schools of the State, and the school fund, the number and character of teachers, and whatsoever he may deem expedient to communicate.

Superintendent to prepare and distribute blanks.

SEC. 9. The State Superintendent of Public Instruction shall prepare and distribute, through the county superintendents of schools, suitable school registers, blanks for teachers' and clerks' reports to the county superintendents, blanks for the reports of county superintendents and county auditors to the State Department of Public Instruction, blank books

for records of district treasurers and clerks, and such blank forms as are necessary to the proper transaction of the business of school districts; and the State Superintendent of Public Instruction is hereby authorized to procure such blanks, blank books, and registers from the party who has contracted to furnish the same to the State, which contract shall be let by the commissioner of printing to the lowest bidder, in the same manner as other printing, blanks and paper are let.

Printing of school blanks to be let.

CHAPTER IV.

COUNTY SUPERINTENDENTS OF SCHOOLS.

SECTION 1. In each county of this State, having organized school districts, there shall be elected, at the general election in 1877, and biennially thereafter, a county superintendent of schools, who shall hold the office for the period of two years from the first Monday in December following the date of the election, and until a successor is elected and qualified.

County superintendents elected—when.

Provided, that in counties where county superintendents of schools were elected in the year 1876, they shall continue in office until their successors shall be elected at the general election in 1878.

SEC. 2. In case of a vacancy in the office of county superintendent of schools, in any county, its board of county commissioners shall appoint some person to serve until the next general election, and if such election be not in the regular year for electing county superintendents of schools, the vacancy shall be filled by election for the remainder of the regular term of office, and any person so elected to fill such vacancy, shall enter upon the duties of the office as soon as the result of the election is known.

How vacancy to be filled.

SEC. 3. Every county superintendent of schools, on retiring from office, shall deliver, for his successor, to the county auditor, the records of his office, a list of the school district clerks of the county, with their post office addresses, and of all common school teachers under contract in any district, together with all printed blanks, registers, copies of school laws, and other State or county property that may be in his possession, and no county auditor shall make full payment of salary to any county superintendent of schools, retiring from office, until he has complied with the requirements of this section.

County superintendents to deliver records, &c. to county auditor.

SEC. 4. The compensation of county superintendents of schools shall be fixed by the county board of commissioners, and paid in the same manner as the salaries of other county officers are paid. Such compensation shall not be less than at the rate of ten dollars for each organized district in the county, but if the number of such districts shall exceed one

Salary of county superintendents.

Contingent expenses to be paid.

hundred, the compensation shall not be less than one thousand dollars, and may be any higher sum that the county board of commissioners shall determine, not exceeding eighteen hundred dollars per annum. County superintendents of schools shall be furnished by county auditors, at the expense of the county, with stationery needed in the examination of teachers, and for official correspondence. The county shall also pay itemized and attested bills for postage incurred in official correspondence, and in forwarding official documents to teachers, clerks, and to the State Superintendent of Public Instruction; and also express charges on packages sent by this officer for use in the county. Such bills for printing notices, circulars, lists of questions, annual reports, as the county superintendent may deem necessary, shall also be paid by the county.

To report to commissioners.

Provided, that county superintendents shall, on the first day of July, October, January, and April, in each year, file with county auditors a statement of the number of schools, visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of visitation, and shall be verified by oath or affirmation.

To examine teachers.

SEC. 5. County superintendents of schools shall examine and license teachers, and annul certificates for causes shown; visit and instruct the schools of their counties at least once in each term, and give such advice to the teachers as may be requisite and necessary; they shall organize and conduct at least one institute for the instruction of teachers in each year, if they deem the same expedient; encourage teachers' associations; introduce to the notice of teachers and the people the best modes of instruction, the most approved plans of building and ventilating school houses, of ornamenting and adapting school grounds to convenience and the healthful exercise of children; stimulate school officers to the prompt and proper discharge of their duties; receive the reports of school district clerks and teachers, and transmit an abstract of the same to the State Superintendent, adding thereto a written statement on the condition and prospects of the schools under their charge, together with such other information and suggestions as they think proper to communicate. To insure accuracy and uniformity in such reports, county superintendents may, annually, at suitable times and places, call conventions of district clerks in their counties, to continue in session one day, considering methods of obtaining or reporting statistics, and discussing other matters involving such educational topics and interests as may come within the sphere of district and county school officers.

To report to State Superintendent.

To hold public examinations.

SEC. 6. Every county superintendent of schools shall hold, each spring and fall, in and for his county, at least three meetings for the examination and licensing of teachers, one of which shall be held at the county seat, of which meeting at least ten days' notice shall be given by publication in the

newspapers of the county, and the posting of such notices in such public places as may be deemed necessary by the county superintendent, and the expense of such publication shall be paid by the county. The examination thus held shall be public, and be conducted by both written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given by any county superintendent, except upon his own personal examination, held in accordance with the provisions of this section. *Provided*, that any teacher may be examined by the county superintendent at any time other than as above specified, on proof that such teacher was unable to be present at a public examination, and on payment to the county superintendent of fifty cents for making such private examination.

May give private examination.

SEC. 7. County superintendents shall examine persons proposing to teach common schools in the county, in orthography, reading in English, penmanship, arithmetic, grammar, modern geography, history of the United States, and the practical, elementary facts of hygiene, asking questions to test the general knowledge of candidates, and their ability to impart oral instruction relating to the subjects treated in the text-books. If satisfied that the candidates are of good moral character, and qualified to teach in all the aforesaid branches, certificates shall be granted, the grade of which shall be determined by the examination. County superintendents are authorized to issue three grades of certificates, viz.: first grade, valid in the county for two years; second grade, valid in the county for one year; third grade, valid in a given district only, for six months. County superintendents may renew certificates, at their expiration, by endorsement thereon. *Provided*, that in addition to the above branches prescribed in this section, all applicants for first grade certificates shall be examined in elementary algebra, elementary plane geometry, physical geography, physiology, natural philosophy, civil government, and the theory and practice of teaching; and no person shall receive a first grade certificate, who has not taught with success at least one term of school, not less than three months in length.

In what studies to examine.

Three grades of certificates.

Studies for first grade.

SEC. 8. County superintendents shall keep records of all examinations, in books provided for that purpose by their counties, and of all candidates to whom they grant certificates, noting the date of examination, the name, sex and age of each candidate, and the grade of the certificate granted.

Record of examinations.

SEC. 9. County superintendents, at the request of independent school districts, may examine persons to teach in such districts, and their certificates, in the form prescribed by the law authorizing the organization of such districts, when countersigned by the board of examiners of the district, shall be valid as the act of such examiners.

May examine in independent districts.

SEC. 10. A county superintendent may cite to re-examination, any person holding a license and under a contract to

May cite to re-examination.

teach any common school in the county, and being satisfied, upon such re-examination, or otherwise, that such person is not of good moral character, or has not sufficient learning and ability to teach a common school, or if such person shall refuse or neglect to attend upon such re-examination, the superintendent shall revoke the license held by such person, filing in the office of the district clerk a statement that he has made such revocation, and shall deliver a copy thereof to the person whose license is revoked, and such revocation shall take effect and be in force from and after the filing of such statement, as aforesaid, and the teacher's contract with the district shall become void therefrom. *Provided*, that the wages of the teacher, for the time taught, and at the contract price or rate, shall be paid on or before the time at which it would have been due, had the contract been continued in force.

May revoke certificate.

To distribute blanks.

SEC. 11. County superintendents shall receive from the State Superintendent, and forward to the several teachers and clerks of districts, such blanks, reports and circulars as shall be forwarded to them for that purpose, and shall be guided generally in the discharge of their duties by the rules laid down by the State Superintendent.

To report by October 20.

SEC. 12. On or before the twentieth day of October in each year, county superintendents of schools shall report to the State Superintendent of Public Instruction, the number of different scholars between the ages of five and twenty-one years, properly enrolled in the school of each district. In ascertaining this number for this report, and also for his report to the county auditor, the county superintendent shall carefully examine the list of names from each district, and see that no scholar is counted more than once as a member of the school in any district, and that no one is included who is not entitled to an apportionment under the terms of this act. This report to the Superintendent of Public Instruction shall also give tabulated extracts, as required on the blank, from the reports of teachers and clerks to the county superintendent of schools.

List of scholars—how made.

To report to county auditor.

SEC. 13. It shall be the duty of the county superintendent of schools, on the day before the last Wednesday of October in each year, to file with the county auditor an abstract of the number of different scholars enrolled in each school within the year, and entitled to be counted for apportionment from the current school fund, together with the length of each school in months.

May appoint deputy.

SEC. 14. Any county superintendent, in case of physical inability to visit his schools or examine his teachers at the proper time, may appoint a deputy superintendent, who shall be paid by him for his services; but no such deputy or deputies shall serve in any county more than sixty days, in all, in any one year.

SEC. 15. In any county having one hundred or more

school districts, the county superintendent of schools, with the consent of the county board of commissioners, may appoint an assistant for twenty days' work in visiting schools in the first part of each term, winter and summer, and such assistant, so appointed, shall be paid by the county at the rate of three dollars a day, and necessary traveling expenses, for every day of actual service, not exceeding forty days in any one year, and such assistant shall work under the direction of the county superintendent, and report to him.

May appoint assistant.

CHAPTER V.

STATE SCHOOL FUNDS.

SECTION 1. The State Superintendent of Public Instruction shall make an apportionment of the available current school funds in the State treasury, among the several counties of the State, on the first Monday in March and the first Monday in October, of each year, in proportion to the number of scholars between the ages of five and twenty-one years, in good faith enrolled in the public schools, that have had, at least, three months of term, within the year, by a qualified teacher, and reported to him in accordance with the following provisions:

Apportionment of current fund.

Provided, first, that every teacher, in any public school of this State, shall keep, in a register furnished him by the clerk of the district, a record of the names in full, and the number and daily attendance of scholars enrolled in the school, studying and reciting in the same, and properly belonging thereto, checking, with a cross (X), the names of any under five or over twenty-one years of age, and of any who are charged tuition. The register shall also be kept so as to show how many have attended less than five days in any term; how many more than four and less than ten days; how many more than nine and less than twenty days; and how many more than nineteen and less than forty days; and all other facts required in the register respecting the condition of the schools, shall be fully and accurately recorded.

How register shall be kept.

Provided, second, that every teacher in the common and independent districts in the State shall, within ten days after the close of any term of his school, report to the superintendent of schools for the county, on a blank prepared by the State Superintendent of Public Instruction, and distributed through the county superintendent, and to the clerk of the district, by returning the register, the names in full of all scholars enrolled in his school; checking with a cross (X) the names of any under five or over twenty-one years of age, and of any who are charged tuition; and names so checked shall not be counted in the total enrollment upon which the

current school fund is apportioned. All other questions on the blanks shall be accurately answered.

Teacher to report before pay for last month can be had.

Provided, third, no clerk of any common or independent district, under the supervision of a county superintendent, shall issue an order to any teacher, on which pay for the last month of service can be drawn, until he has evidence that the teacher's report to the county superintendent has been returned, properly filled, and until the teacher has returned to such clerk, as the term report required in this section, the register of the district, kept according to law, with a separate list of the names of the pupils reported to the county superintendent of schools, as entitled to apportionment from the current school fund. Nothing herein contained shall prevent any teacher from recovering pay for his services, if it appears that his record has been kept, and the reports thereof made according to the provisions of this section.

How special districts report.

Provided, fourth, that in special school districts, such blanks, furnished through the county superintendent of schools, and requiring for the entire year the data that are required of common and independent districts each term, shall be properly filled and returned to him within ten days after the close of the last term in the school year, by the superintendent of such schools, or if there be no such officer, by the teacher of the highest school in the grade. Registers in special districts shall be kept, and reports of enrollments shall be made as in common school districts, and the name of no scholar entitled to enrollment for apportionment shall be counted more than once in the district in any year.

Children from other districts.

Provided, fifth, children attending school any part of the year in another district than that in which their parents or guardians reside, shall not be counted for apportionment in such other district, if they are enrolled within that year in the district where their parents or guardians reside.

Superintendent to report apportionment

SEC. 2. It shall be the duty of the State Superintendent of Public Instruction, when he shall make a semi-annual apportionment of the current school funds of the State, forthwith to transmit to the State Auditor a certified copy of such apportionment.

Auditor to draw warrant payable to State Treasurer.

SEC. 3. It shall be the duty of the State Auditor, when he shall receive a certified copy of a semi-annual apportionment of the current school fund, as provided in this act, forthwith to draw a warrant on the State treasury, payable to the order of the State Treasurer, and to be applied by him on the payments due for State taxes in semi-annual settlements with each county named in such copy of apportionment. If the amount so apportioned to any county shall be larger than the amount of taxes paid to the State in such settlement, the State Treasurer shall, in such case, without delay, remit to the county treasurer the excess of such apportionment.

SEC. 4. There is hereby annually appropriated of the moneys in the State treasury belonging to the general school fund, a sum equal to the amount of the current school funds due common schools of the State, and agreeably to law apportioned among the several counties by the State Superintendent of Public Instruction.

Apportionment equal to amount due on current fund.

SEC. 5. The auditor of each county, on the last Wednesday of March, and on the last Wednesday of October in each year, shall make apportionments of the money in the county treasury accruing from the current school fund, and from the liquor licenses, estrays and fines, as provided in this act, among the several school districts in the county in which schools have been taught three months within the year by qualified teachers; which apportionments shall be made upon the number of different scholars between the ages of five and twenty-one years, lawfully enrolled in each school, as reported to him by the county superintendent of schools, and the county auditor shall transmit to the clerk of each district a copy of the apportionment to said district, and such money shall be used only in payment of teachers' wages, including board.

When county auditors apportion.

Provided, first, that in counties having districts under special laws that do not appropriate to the county school funds, moneys accruing from liquor licenses, held and used within their limits, the county auditor shall apportion exclusively to the rest of the districts of the county, all moneys accruing from liquor licenses held and used in such districts.

How to apportion money from liquor licenses.

Provided, second, that any district having had for the first time since its organization, a school by a qualified teacher for one-half the time required in a year to entitle it to apportionments from the current school fund, may report its enrollment through the county superintendent to the State Superintendent of Public Instruction, and to the auditor of the county in which such district is situated, and these officers shall include such enrollment of scholars for the March apportionment of that year. An apportionment may also be made in the following October to the same district, on the enrollment of a school held for the remaining half of the term required in a year for apportionments, and reported to the county superintendent according to law.

New districts may draw on six weeks of school.

SEC. 6. It shall be the duty of each county auditor in the State, on the last Wednesday of March, and on the last Wednesday of October of each year, to make a report to the Superintendent of Public Instruction, showing the amount of money by him apportioned on that day to the several school districts in his county; the sources from which said money was received into the county treasury; the aggregate number of scholars in the county, and the number of districts receiving a portion of said school money.

County auditor to report to State Superintendent.

SEC. 7. The county auditor of each county shall transmit to the State Superintendent of Public Instruction the name

To report county superintendents.

and postoffice address of the superintendent of schools in his county, as soon as such officer has been qualified.

Special districts to report to county superintendent.

SEC. 8. Each of the incorporated towns and cities in this State, having, by their several charters, a common or special school system, shall, by its clerk or some proper officer thereof, make to the school superintendent of their county, a report of the enumeration of scholars and of other matters, by this act made necessary to be reported in the manner required of other school districts; and such district shall be entitled to apportionments of public school funds, to be apportioned and drawn substantially as provided by law.

County treasurer can pay only to district treasurer.

SEC. 9. The county treasurer, upon the order of the county auditor, shall pay to the treasurer of any school district, and to him only, or to his written order, any money in his hands belonging to said school district, by any apportionment, or by collection of any delinquent tax or other money belonging to said district; but the county treasurer shall pay no school moneys to any district treasurer, until such district treasurer has filed in the office of the county auditor, notice from the clerk of his district, countersigned by the director thereof, that such district treasurer has filed in the office of the district clerk his official oath and bond, as provided in this act.

County commissioners to levy annual tax of one mill.

SEC. 10. For the purpose of maintaining public schools, the commissioners of each county shall levy an annual tax of one-tenth of one per cent. on the amount of the assessment made by the assessors of each township for the same year, which tax so levied shall be extended upon the assessment rolls of the year by the county auditor, in a column for each school district or portion thereof in said county, and this shall be collected in the same manner and by the same persons as other county taxes are collected, except that the school tax shall be collected in gold or silver, or United States national currency, and the money so collected shall be paid into the county treasury for the support of the public schools, to be apportioned by the county auditor, who shall distribute to each school district or portion thereof, the amount of tax collected in said district or portion of district in his said county. 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 all moneys arising from the issuing of liquor licenses and from unclaimed moneys arising from the sale of estrays, as provided for by amendment to section twelve, chapter nineteen, of the General Statutes. And the county auditor shall open an account with each district or portion of district in his county, and keep an accurate account of all moneys received by or due to each of said districts, and all such matters as are necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall

County treasurer to set apart proceeds of fines, &c., for school purposes.

examine any and all of the books in the office of the county treasurer.

CHAPTER VI.

PENALTIES OF THE COMMON SCHOOL LAW.

* SECTION 1. If any child of suitable age for attending the public schools is denied admission to any such school, or if any scholar is suspended or expelled from any such school without sufficient cause, or on account of color, social position or nationality, the board by whose direction the offense was committed, shall forfeit and pay a fine of fifty dollars for each offense; and nothing in this act, or in any amendment of it, shall be so construed as to authorize any school trustees, board of education, or other school officer or authorities, to classify the scholars with reference to color, social position or nationality, or to set apart the children so classified into separate schools without their consent and the consent of the parents or guardians of such children. And no town, city, or school district, which shall offend in this respect, or in which any child of suitable age shall be refused admission to any school in the proper locality or ward on account of color, social position or nationality, shall be entitled to any portion of the school funds of this State. And it shall be the duty of the State Superintendent of Public Instruction, in making apportionments of school funds, in all cases when satisfied of the commission of such offense, by complaint of the aggrieved party or otherwise, to withhold from the county wherein the offense was committed, the amount of such school funds designed for the town or city committing such offense; and it shall be the duty of the auditor of such county to withhold all State school funds from the city or town in which such offense was committed, and to add the same to the next semi-annual apportionment to the other districts of the county.

Penalties for excluding children entitled to school.

SEC. 2. Every person duly elected to and accepting the office of director, treasurer or clerk of any school district, or member of board of education, who shall neglect or refuse to enter upon the duties of his office and serve therein faithfully, shall forfeit the sum of ten dollars to the use of said district, which may be collected by action before any justice of the peace in the county, to be prosecuted by the director of the district, or by any legal voter therein.

Penalty for refusing to serve after accepting office.

SEC. 3. Any failure on the part of a clerk of a school district to make report to the county superintendent or county auditor, as provided for by law, shall be punishable by a fine not to exceed fifty dollars, for the use of the district.

Penalty on district for not reporting.

SEC. 4. Any school district clerk who shall draw an order upon the district treasurer, diverting the public school funds from their legitimate channel, shall be held personally responsible for twice the amount of such order.

Penalty for drawing illegal order.

Penalty for neglecting to keep books.

SEC. 5. Any school district clerk, who shall neglect to keep the books and records of the office in the manner prescribed by law, or shall refuse to deliver up the books and papers belonging to his office as clerk, to his successor in office, shall be liable to a fine of ten dollars for each offense.

Penalty on county superintendent for not reporting.

SEC. 6. If any county superintendent of schools shall fail to make and report to the auditor of his county on the day before the last Wednesday in October in each year, an abstract of the annual reports of the several district clerks and teachers in his county, showing, in tabular form, the number of scholars enrolled in each district, and entitled to apportionments from the current school fund, and the number of months of school taught by qualified teachers in each district for the year ending the thirty-first day of the preceding August, as shown by the annual reports of school district clerks and teachers, legally made to him for the school year ending August the thirty-first; or to make his statistical and written report to the State Superintendent of Public Instruction on or before the twentieth of October in each year, embracing the several items required by this act, such superintendent shall be deemed guilty of a misdemeanor, and he shall forfeit, for every such omission, the sum of fifty dollars, to be deducted from his salary by the county commissioners.

Penalty on county auditor for not reporting apportionment to State Superintendent.

SEC. 7. Any county auditor failing to report to the State Superintendent of Public Instruction, on the last Wednesday of March, and on the last Wednesday of October in each year, the amount of money by him apportioned on that day to the several school districts of his county, the sources from which such money was received into the county treasury, the number of scholars upon which the apportionment has been made, and the number of districts receiving such apportionments, shall forfeit the sum of fifty dollars to the benefit of the school fund of his county.

Penalty for dealing in school supplies.

SEC. 8. No teacher, State, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State, with which such officer or teacher may be connected; and any such teacher or officer, who shall receive any commission or compensation, either directly or indirectly, for the sale of any book, apparatus or furniture used or to be used in any school in this State, upon conviction thereof, by complaint before a justice of the peace, shall be fined not less than fifty nor more than two hundred dollars for each such offense.

Duty to report violations of law.

SEC. 9. It is hereby made the duty of any and every officer, to whom reports are by law required to be made in relation to schools and school districts, in case any officer shall have failed to make any report required by law, within the time fixed by law for making such report, and for which failure a penalty is prescribed, to give, in writing, immediate

notice to the delinquent and to the county attorney of the proper county of such failure. It shall be the duty of the county attorney, on the receipt of such notice, to institute legal proceedings to collect, with proper costs, the prescribed penalty, in the name and for the use of the proper county or district. The county attorney shall also institute similar proceedings, for the same purpose, upon complaint of the county superintendent of schools, or any other person interested in having the law executed, that any school officer has violated any of the provisions of the school law to which a penalty is attached.

County attorney to prosecute.

CHAPTER VII.

INDEPENDENT SCHOOL DISTRICTS.

SECTION 1. Any city, town, village township or school district, now or hereafter organized, may be organized into and established as an independent school district, in the manner and with the powers hereinafter specified :

Organization of independent districts.

Provided, first, that this title shall not apply to any township or school district containing less than five hundred inhabitants, unless said school district consists, in whole or in part, of an incorporated city, town or village.

Provided, second, that the provisions of this chapter shall not apply to any city, town or village, or any part thereof, which now has any special law regulating its schools.

SEC. 2. In order to such organization, written notices shall be posted in three of the most public places in the contemplated district, signed by at least six resident freeholders, of the same, requesting the qualified electors in said district to assemble upon a specified day, and, at some suitable place in said district, to be named in said notices, then and there to vote by ballot for or against organization under this chapter, which notices shall be so posted at least ten days next prior to said meeting.

Written notices to be posted.

SEC. 3. The electors assembled at said time and place, shall proceed to appoint a chairman, assistant chairman and clerk, who shall be judges of said election. The electors in favor of organization under this chapter for said district, shall write upon their ballots, "Independent district—Yes;" and those opposed thereto, "Independent district—No."

How to vote on the question.

SEC. 4. In case a majority of votes are cast in favor of organization under this chapter, the electors of said district shall assemble, at the place where such votes were cast, within twenty days thereafter, of which at least ten days' previous notice shall be given by said chairman and clerk in the manner aforesaid, and shall then and there choose, by ballot, six directors of the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years, the time that each shall serve to be desig-

Ten days notice of meeting

First Saturday
in September.

nated on the ballot; and annually thereafter, on the first Saturday in September, there shall be chosen, in the same manner, two directors, each of whom shall serve for three years, and until their successors are elected and qualified. The persons so elected shall, within five days after their election, file in the office of the clerk of said district their several oaths, as required by law.

Directors a
body corporate

SEC. 5. Said directors, and their successors in office, shall be a body corporate, by the name of "The board of education of" (the name of the city, town, village or township), and as such, and by such name, shall have perpetual succession, and shall receive all moneys and other property belonging to or accruing to said district, or to said city, town, village or township, or any part of the same, for the use or 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 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 of the public schools in said city, town, village, township or district, under any law of this State, for the use of the public schools therein, shall be paid to the treasurer of said board of education.

Board to or-
ganize.

SEC. 6. Said board shall, within ten days after their election as aforesaid, and annually thereafter, on the third Saturday in September, meet and organize by choosing a president, clerk, and treasurer, who shall hold their offices as such for one year, and until their successors are elected and qualified. The board of education may also elect, by ballot, a superintendent, who shall hold his office during the pleasure of the board, and shall receive such compensation as shall be fixed by the board. The superintendent shall be *ex-officio* member of the board, but not entitled to vote therein. The board may, for satisfactory reasons, remove any member or officer of the board, and fill the vacancy; *Provided*, that no member shall be removed except by a concurrent vote of at least four members of the board, and at a meeting of whose object, time and place he was duly notified.

Clerk only to
be paid.

SEC. 7. No other member of said board shall receive any compensation for his services, except the clerk and treasurer, whose compensation shall be fixed by the board.

SEC. 8. Four members of said board shall constitute a quorum for the transaction of business, at any meeting.

Vacancy—how
filled.

SEC. 9. In case of a vacancy, the board of education shall have power to fill the same by appointment, until the next annual district election, when the electors of said district may choose a suitable person to fill the remainder of such term; *Provided*, the clerk of said board shall give notice of such vacancy as required in other cases.

SEC. 10. The superintendent shall visit the schools of the district, and report their condition to the board as often as

they require. He shall superintend the grading of the schools, and examinations for promotion, and shall perform such other duties as the board prescribe. He shall also make, to the State Superintendent of Public Instruction, such reports as may be required, through the county superintendent of schools or directly to the State department of education.

Duty of superintendent.

SEC. 11. The president and clerk shall file, in the office of the clerk of the district, their written acceptance of office, as such. 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.

To file acceptance of office.

SEC. 12. The clerk shall act as clerk of the district as well as of the board,—except that in his absence, inability or refusal to act, 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 county superintendent, 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 tenth day of October, 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 due notice of all meetings of the district; 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, on or before the tenth day of September, in each year, make and transmit to the county superintendent a report in writing, showing the amount of money apportioned to the district by the county auditor, and received from the county treasurer; specifying the amount from each source of revenue, the amount received from special taxes voted by the district, and from any other sources; the several amounts disbursed within the year, and the object for which each amount was expended; the value of school sites and of school buildings, furniture and apparatus, and such other financial matters as may be required on the blanks furnished by the State department of public instruction. Said clerk shall perform such other duties as may be specified by the board of education.

Duty of clerk.

To sign orders and keep records.

To report to county superintendent—when.

SEC. 13. The records of said board, signed by the president, or a transcript thereof, or any part thereof, and all pa-

Records may
be inspected.

pers belonging to the office, or a transcript thereof, certified by the clerk, shall be *prima facie* evidence 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.

Treasurer to
give bonds.

SEC. 14. The treasurer, before entering upon the duties of his office, shall execute a bond to the board of education, in double the amount of money, as nearly as can be ascertained, which will come into his hands as treasurer within 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; said bond shall be filed with the clerk of the board, and in case of any breach in the conditions thereof, the board shall cause an action to be commenced thereon, in the name of the board of education, and the money recovered shall be applied to the use of the district; said board may require such 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 only out of the particular fund upon which it was drawn, and shall keep an accurate and detailed and separate account of each fund coming into his hands, in a book or books provided for that purpose; said treasurer shall, within three days preceding the annual meeting 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 within the year preceding, 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 report 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, upon demand. He shall pay to his successor in office, upon demand, after such successor has given bonds as hereinbefore prescribed, all money in his hands belonging to said district, and perform such other duties as may be ordered by the board.

Additional
bonds may be
required.

To report three
days before
annual meet-
ing.

Board may
hold special
meetings.

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 day's 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 no money shall be paid except in pursuance of such resolution, and on the written order of the clerk, countersigned by the president.

SEC. 16. Whenever said board deem it necessary to purchase or erect a school house or school houses for said dis-

trict, or to purchase sites for the same, they shall call a meeting of the legal voters of the district, by giving ten days' notice of the time and place and object of said meeting in some newspaper printed and in general circulation in said district; if there is no such newspaper, then by posting notices thereof in five or more of the most public places in said district, and said meeting may determine by a majority vote upon the 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 for the purpose aforesaid.

How to purchase site.

SEC. 17. The amount of money so voted shall be thereupon certified by the chairman and secretary of the board of education to the auditor of the county, and shall be levied on the taxable property of 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.

Tax not to exceed 8 mills for site or building.

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

Powers of board of education.

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.

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 ordinary repairs upon the same, or any part thereof, when deemed expedient.

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

Seventh.—To defray the necessary expenses of the board, pay the compensation of the clerk, treasurer 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 and a course of study for the schools, and to visit each school in the 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 to 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 allowances for delinquency in paying any part of such taxes.

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

Thirteenth.—When authorized by a vote of the district to make, execute and deliver, for and in behalf of said district, deeds, mortgages, releases, and all other instruments relating to the real property thereof.

SEC. 19. Said board of education shall keep said schools in operation not less than twelve, nor more than forty-four weeks in each year; determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expense of said schools, except for the erection of school houses and the purchase of sites, and on or before the tenth day of October of each year make known the amount of such tax to the auditor of the county in which said district is situated, which tax shall be assessed in said district, collected and paid over to the treasurer of said district, and said board shall keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for choosing directors in said districts, make report of such receipts and the source from which the same were derived, and of the disbursements and the objects to which the same were applied; and they shall also make report at the same time of such other matters relating to said schools, as they deem the interest of the same to require.

SEC. 20. Said board of education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein—one to serve one year, one for two years, and one for three years, from the time of their appointment and until their successors are appointed, and annually thereafter said board shall appoint one examiner to serve for three years, and until his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death or otherwise. Said examiners, or any two of them, shall examine any persons that may apply for that

Length of
school.

Board to determine
amount of
taxes.

To appoint
examiners.

purpose with the intention of becoming teachers in any of the schools of said district, and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate made on such blanks as may be provided by the board of education, naming the branches in which the holder of said certificate is found qualified to teach, setting opposite each branch the degree of attainment on a scale of which five shall be the maximum, and no person shall be permitted to teach in said schools without such certificate. *Provided*, that any examination of teachers herein provided for may, at the request of the board of examiners, be made by the county superintendent of schools, whose certificate, as herein provided for, when countersigned by said board of examiners, shall be valid, as their own act. Said examiners may, in all cases, when two of their members concur, have power to annul such certificates, and when so annulled and reported to the board of education, the person holding the same shall be discharged as teacher. Said examiners shall also, separately or otherwise, together with said board of education, or any of them, or such person as they may appoint or invite, visit said schools as often as once in every three months, and observe the discipline, mode of teaching, progress of pupils, and such other matters as they may deem of interest, and make such suggestions and report thereupon to said board, as they may think proper, which report may be published at the discretion of said board, together with their annual report.

To grant certificates.

County superintendent, if requested, may examine teachers.

SEC. 21. All taxes raised by virtue of this chapter, shall be levied and collected in the same manner, and by the same officers as county taxes are levied and collected.

How taxes are to be levied and collected.

SEC. 22. Upon and after organization as herein provided, any district so organizing or heretofore so organized, shall be governed by the provisions of this chapter, and by the general school laws, not inconsistent with the special provisions of this chapter.

CHAPTER VIII.

ACTIONS BY OR AGAINST TRUSTEES.

SECTION 1. The trustees of any school district organized in accordance with the provisions of this act, may prosecute actions in their official capacity in the following cases:

Power of trustee in civil actions.

First.—On a contract made with them in their official capacity; or

Second.—To enforce a liability, or a duty enjoined by law in favor of such officers, or the district; or

Third.—To recover a penalty or forfeiture given to such officers or the district; or

Fourth.—To recover damage for an injury to their official rights or property.

How actions may be brought.

SEC. 2. An action may be brought against them in their official capacity, either upon a contract made by such officers in their official capacity, and within the scope of their authority, or for an injury to the rights of the plaintiff, arising from some act or omission of such officers or of the district. The actions authorized by this chapter, may be brought by or against said trustees, upon a cause of action which accrued within the term of their predecessors, as well as within their own term of office, and when brought, may be continued by or against the successors in office of the parties whose names may, for that purpose, be submitted in the action.

Papers may be served on any one of the board.

SEC. 3. In legal proceedings against the trustees, in their official capacity, all processes and papers may be served on any one of them, and the party served shall notify the others of the fact of such service.

How pay is to be made under judgment.

SEC. 4. When a judgment is recovered against any trustees in any action prosecuted by or against them in their name of office, no execution shall issue on such judgment, but the same, if for the recovery of money, shall, unless reversed or stayed on appeal, be paid by the treasurer upon demand, and the delivery to him of the certified copy of the docket of the judgment, if there is sufficient money of such district in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed on appeal.

When judgment is not satisfied.

SEC. 5. If such judgment is not satisfied or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said school district, a certified copy of the docket of the judgment may be presented to said district at its annual meeting.

Trustees to add amount to tax.

SEC. 6. The trustees of the district shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said district, and the same shall be certified to the county auditor and collected as other district taxes are collected. *Provided*, that if the trustees of any school district, against which any judgment has been obtained, and which has not been appealed from, or which in case of an appeal has been affirmed in the appellate court, in whole or in part, fail to certify to the county auditor of the proper county, as provided in this section, on or before the first day of October, next after the certified copy of the docket of such judgment has been presented to such trustees, as provided in section 5 of this act, and the judgment creditor, his attorney or agent, shall file a certified copy of such docket entry of said judgment with the county auditor of the proper county before such auditor has extended the tax against such school district, accompanied by an affidavit, stating that such judgment, or any part thereof, remains unpaid, and stating the amount claimed to be due thereon, and that a

certified copy of such judgment had been previously served on such trustees, such county auditor shall at once levy a tax on said district, sufficient and for the purpose of satisfying such judgment and the costs thereon, which action of the county auditor shall have the same force and effect, and stand in the place of the action of such school district trustees for all purposes whatever.

County auditor to extend such tax.

SEC. 7. If such judgment is not paid within thirty days after the time fixed by law for the county treasurer to pay over the money in his hands, levied for the purpose of paying such judgment next after the rendition thereof, execution may be issued on such judgment, but only the property belonging to said district shall be liable thereon.

What property is liable for judgment.

SEC. 8. Chapter thirty-six of the General Statutes of one thousand eight hundred and sixty-six; chapter twenty-six of the General Laws of one thousand eight hundred and sixty-six; chapters one, two, three, four and seven of the General Laws of one thousand eight hundred and sixty-seven; chapters four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of the General Laws of one thousand eight hundred and sixty-eight; chapters one, two, three, four, five and six of the General Laws of one thousand eight hundred and sixty-nine; chapters one, two, three, four, five and six of the General Laws of one thousand eight hundred and seventy; chapters one, two, three, four, five, six, seven and eight of the General Laws of one thousand eight hundred and seventy-one; and chapters two, three, four, six, seven and nine of the General Laws of one thousand eight hundred and seventy-two, are hereby repealed.

Repealing section.

CHAPTER IX.

STATE NORMAL SCHOOLS.

SECTION 1. The normal schools heretofore established to educate and prepare teachers for the common schools of this State, shall hereafter be designated and known as the State normal school at Winona, the State normal school at Mankato, and the State normal school at St. Cloud, respectively.

Normal schools—how named.

SEC. 2. The Governor of this State shall, on or before the first Friday in March, one thousand eight hundred and seventy-three, nominate and appoint, by and with the advice and consent of the Senate, six normal school directors, not more than one of whom shall be resident of the same county, who, together with the State Superintendent of Public Instruction, shall constitute the State normal school board. Three of the directors so appointed shall hold their offices for two years, and the remaining three for four years, from the first day of June, one thousand eight hundred and seventy-three. The terms of office of each director so appointed shall be designated by the Governor. On the last Tuesday in

Six directors.

Governor to appoint on last Tuesday in February.

February, one thousand eight hundred and seventy-five, and biennially thereafter, the Governor, by and with the advice and consent of the Senate, shall appoint three directors to fill the vacancies occurring under the provisions of this act, and each of whom shall hold his office for four years, from the first day of June next succeeding his appointment. The Governor shall also, by and with the advice and consent of the Senate, fill all vacancies that may arise by reason of death, resignation, or otherwise. *Provided*, that one member of said board, and no more, shall be appointed from each of the counties of Winona, Blue Earth and Stearns.

Governor to fill vacancies.

Officers of normal board.

SEC. 3. The officers of the State normal school board shall be a president and secretary. The members of the board, at their first session, and biennially thereafter, shall elect by ballot, from their own number, a president. The State Superintendent of Public Instruction shall be the secretary of the board.

Governor to appoint a president when.

Provided, whenever, from any cause, a vacancy shall exist in the office of president of the State normal school board, and said board shall not be in session at a regular meeting thereof, the Governor may appoint one of the normal school directors to be president of said board, who shall hold his office until the next regular meeting of said board, and until a president thereof shall be duly elected and he shall enter upon the duties of his office.

Members to qualify.

SEC. 4. Each member of the State normal school board, before entering upon the duties of his office, shall file with the Secretary of State an oath to support the constitution of the United States, and of the State of Minnesota, and that he will well and faithfully discharge the duties of his office.

Powers of normal board.

SEC. 5. The State normal school board shall have the general supervision, management and control of the State normal schools, and of all the property, real and personal, thereunto appertaining. They are hereby authorized and empowered to contract for the erection of all buildings connected with the schools under their charge, to appoint all professors and teachers in said schools, to fix the salaries of same; *Provided*, that no professor or teacher shall receive more than two thousand dollars per annum for salary or services so rendered.

\$2,000 limit to salary.

Board to prescribe studies to grant diplomas.

SEC. 6. The State normal school board shall prescribe the courses of study in the normal schools, the conditions of admission, and prepare and confer suitable diplomas upon persons completing the full course of study in the normal department. Such board shall adopt any rules and regulations deemed necessary to the highest efficiency of the schools. It shall be the duty of the board, as a whole, or through committee of their own number, to visit and thoroughly to inspect the grounds, buildings, modes of instruction, and the discipline and management of each school, at least once during each term. They shall report to the Governor, on or

before the first day of December in each year, through their president, the condition of each school, its receipts and disbursements, its wants and prospects, together with such recommendations for its improvement as they may deem proper and necessary.

To report to Governor.

SEC. 7. The principal of each normal school shall annually make a written report to the State Superintendent of Public Instruction, on or before the first day of September, covering the calendar or term year of his school. Such report shall set forth the general statistics of the school, its enrollment in each department, and in each class of the normal department, the average attendance, the number graduating within the year, the number of teachers, and the departments of each, together with an account of the general condition of the library, apparatus and buildings, which report may contain such suggestions as the principal may deem of interest to the public, and conducive to the welfare of his school; and also a statement of the total number of graduates of such school who are then engaged in teaching, so far as may be known, with their names, and the name of the district and county in which they are teaching.

Principal to report to State Superintendent.

What to report.

SEC. 8. The State normal school board shall have power to organize, in connection with each normal school, such model schools as they may deem expedient for the illustration of the best methods of teaching and government. *Provided*, that no more than one teacher shall be employed in either of the model schools, except at the school at Winona, where, so long as provision is made in the normal school for the education of soldiers' orphans, the board may employ one additional teacher at its discretion.

Model schools.

SEC. 9. There shall be no charge for tuition, the use of text-books, or for incidental expenses to the students of any normal school, who shall have filed with the principal thereof a declaration of intention to engage in the work of teaching in the common schools of this State for not less than two years after his or her connection with said school shall cease. The board may fix such rates of tuition for pupils in the model schools as in their judgment may be equitable and just. The board may fix such rates of tuition for students not intending to teach as in their judgment may be equitable and just.

Tuition free to State pupils.

Board to fix rates for other pupils.

SEC. 10. The member of the board residing at the location of each normal school, respectively, shall receive and disburse, under the direction of the board, all moneys accruing in any manner to such school, and shall keep a full and accurate account of such receipts and disbursements, including the receipts from tuition in the model schools, and shall report the same to the board whenever they shall so direct. He shall give a bond, payable to the State of Minnesota, in such sum as the board shall direct, with one or more sureties, to be approved by them, for the faithful performance of the duties mentioned in this section.

Local member of board shall be treasurer.

Board to be
paid expenses.

SEC. 11. The members of the State normal school board, except the Superintendent of Public Instruction, shall be reimbursed for the actual expenses incurred by them while engaged in duty for the normal schools; said expenses to be paid out of the current fund belonging to the several schools.

Drawing war-
rants.

SEC. 12. All warrants upon the State Auditor for defraying the expenses of the State normal schools, shall be drawn by the president and countersigned by the secretary of the board.

Board not to
exceed appro-
priations.

SEC. 13. Nothing contained in this act shall be so construed as to impair or annul any right or obligation existing in behalf of, or against the State of Minnesota, in relation to the State normal schools at Winona, Mankato and St. Cloud.

SEC. 14. It is hereby made the duty of the State normal board to limit the number of teachers, and their compensation; and all other annual expenses thereof, to the amount appropriated by the Legislature for that purpose, and all expenditures made by said board in excess of the sum so appropriated, are hereby declared to be unlawful and void, and shall be deemed a malfeasance on the part of said board, for which the members thereof can be removed from office by the Governor.

Repeal of in-
consistent acts.

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *Provided*, that the repeal of any of the acts above enumerated shall not affect any rights acquired or penalties incurred, or actions or proceedings commenced under any of said repealed acts; but all such rights shall be preserved and actions and prosecutions continued and prosecuted as if this act had not been passed.

When act to
take effect.

SEC. 16. This act shall take effect from and after its passage.

Approved February 28, 1877.