

## CHAPTER 156.

AN ACT TO REDUCE THE LAW RELATIVE TO THE PUBLIC SCHOOLS IN THE CITY OF MANKATO INTO ONE ACT, AND TO AMEND THE SAME.

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

SECTION 1. That the territory hereinafter described, including the city of Mankato, shall be considered and constituted one school district, and all schools organized therein in pursuance of this act, shall under the direction and regulation of the board of education as hereinafter established, be public and free to children residing within the limits thereof between the ages of five (5) and twenty-one (21) years inclusive, subject to such rules and limitations as the said board may establish.

SEC. 2. The subdivisions of land included in and constituting the said school district shall be as follows, to-wit :

The west half of section four (4), all of section five (5), the east half, the north-west quarter, the east half of the south-west quarter and lots one (1) and two (2) of section six (6); the east half of the north-east quarter, the east half and the south-west quarter of the south-east quarter, lots one (1), two (2), three (3) and four (4) of section seven (7); all of section eight (8), the west half of section nine (9), the west half of section sixteen (16), all of sections seventeen (17) and eighteen (18), the west half of the west half of section nineteen (19), township one hundred and eight (108), north of range twenty-six (26) west; also lots one (1), two (2), three (3), four and five (5) of section one (1), the south half, the south half of the north-east quarter, the south-west quarter of the north-west quarter, and lots two (2), three (3), four (4), five (5) and six (6) of section thirteen (13); lots eleven (11), twelve (12), thirteen (13) and fourteen (14) of section fourteen (14); the east half of the south-east quarter, the south-east quarter of the north-east quarter and lots five (5), six (6), seven (7) and eight (8) of section twenty-three (23); all of section twenty-four (24), township one hundred and eight (108), north of range twenty-seven (27) west.

SEC. 3. That all territory in said school district lying outside the limits of the city of Mankato, north of the Eagle Lake or Guenther road, shall at all elections held pursuant to this act, be attached to and considered a part of the first (1st) ward of the city of Mankato, and all voters living therein shall be entitled to vote at the said first ward polls; that all territory in said school district lying outside the city limits and between said Eagle Lake road and the north line of sections twenty (20) and twenty-one (21), township one hundred and eight (108), north of range twenty-six

(26), shall be so attached to the second ward of said city of Mankato, and all voters living therein be entitled to vote at said second ward polls; that all territory in said district outside the city limits, and not included in either of the above described limits, shall be so attached to the fourth ward of said city of Mankato, and all voters living therein shall be entitled to vote at said fourth ward polls.

SEC. 4. The board of education shall consist of two members from each ward or territory thereto attached who shall reside therein, and the election shall be held by the same judges, in the same manner, and at the same time and place in each of the said wards as the election of the mayor and aldermen of said city, a separate ballot box being kept for that purpose; but no mayor or alderman of the city shall at the same time be a member of the said board. The certificate of the judges of election attested by the clerk, showing the full return of the votes polled at such election for members of said board and for whom given, shall constitute the credentials of the person having the largest number of votes so returned, and shall entitle him to his seat in said board. That at the annual elections to be held on the first Tuesday in April, A. D. one thousand eight hundred and seventy-eight (1878.) one of the persons so elected member of said board in each ward shall hold his office for one year, and until his successor is elected and qualified, and that the other person so elected in each ward shall hold his office for two years and until his successor is elected and qualified; the time that each shall serve shall be designated on the ballots; and annually thereafter there shall be elected in the same manner, one member of the said board, in each ward, who shall hold his office for two years and until his successor is elected and qualified.

That on the first day of June, one thousand eight hundred and seventy-eight (1878,) the term of office of all members of the present board of education, shall cease and determine. No member of the board shall be entitled to receive any compensation for his services except as hereinafter provided.

SEC. 5. In case of the removal of any member of said board from the ward for which he was elected the board shall by resolution declare the office vacant; and whenever a vacancy shall occur by death, removal, resignation or other cause the board shall fill said vacancy until the next annual election, when a member shall be elected by the electors of the proper ward, for the unexpired term of such member. The term of office of each member of the board hereafter elected shall commence on the first day of June next succeeding his election.

SEC. 6. Each person who shall hereafter be elected a member of the board of education of said city shall, before he enters upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and of the State of Minnesota, and faithfully discharge the duties of his office during his continuance therein, and file the same with the secretary of said board, and in case of the neglect or omission of any person so

elected to take and subscribe such oath before the commencement of his term of office, the said board may declare his office vacant.

SEC. 7. The said board of education shall constitute and be a corporation with perpetual succession by the name of the "Board of Education of the City of Mankato," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying and selling and conveying real and personal property as the interest of said public schools may require and as the said board may deem expedient, and may adopt a seal and shall have charge of the public schools within the limits of said school district, and the said "Board of Education" is hereby declared to be the successor of the "Mankato School District," and all rights, property and assets of said school district are hereby transferred to, and vested in, and all liabilities thereof are assumed and are to be paid by said board of education.

SEC. 8. The said board of education shall meet on the first Tuesday in June of each year and organize by the election of a president and vice president from their own number, and a secretary and treasurer; and providing that such organization shall not be completed at that time, it may be so completed at a future meeting.

SEC. 9. The board of education shall meet from time to time at such place, in said city, as they may designate, and a majority of all the members shall constitute a quorum. Said board shall also meet on the last week day in May of each year, and close up, as far as practicable, all old or unfinished business of said board, and audit all proper bills and order the same paid, and do all such other business as may properly appertain to said board, but at such meeting no new business shall be transacted, and no person shall be nominated, chosen, or elected to fill any vacancy on the board.

SEC. 10. The president shall preside at all meetings of said board, and in his absence the vice president shall preside, and in the absence of the president and vice president a president *pro tempore* shall be chosen.

SEC. 11. The secretary shall keep a true record of all the proceedings of the board, and shall see that the enumeration of pupils is properly taken and returned to the proper officer, on or before the 10th day of September in each year, as required by the general laws of the State, he shall furnish to the county auditor on or before the 10th day of October in each year, a certified statement of the amount of money voted to be raised for school purposes, by said board; he shall keep the financial accounts of the board, and draw and sign all orders on the treasurer authorized by the board, countersign all official documents of the board, and, also, with the treasurer, sign a receipt for all moneys received from the State or county, and perform such other duties as said board may reasonably require of him by its by-laws, or otherwise; he shall be entitled to receive a salary for his services in such sum, not exceeding three hundred dollars (\$300) per annum, as may be determined by said board.

SEC. 12. The treasurer shall keep the moneys of said board, and

shall pay out the same on warrants of the board signed by the president and secretary, and not otherwise; he shall keep all records, books and papers belonging to his office, and shall, at the expiration of his term of office, deliver the same together with all moneys in his hands belonging to said board, to his successor in office; he shall make such reports of the business of his office as may be required by the board at any time, and shall perform such other duties as may be reasonably required by the board; he shall give bonds for the faithful performance of his duties, in such sum and with such sureties as shall be approved by the board.

SEC. 13. The board of education at its first regular meeting in June next succeeding the passage of this act, or as soon thereafter as practicable, and as often thereafter as there may be a vacancy, in said office, shall elect a properly qualified person to fill the office of superintendent of schools, whose term of office shall continue for a period not exceeding two years; but the person so elected may at any time by a vote of two-thirds of all the members of the board on ten days notice, be removed for cause from his office; and said board shall fix the salary of said superintendent.

SEC. 14. The board of education shall have full power, and it shall be their duty:

*First.* To purchase, lease or erect such school buildings as may be necessary, keep the same in repair, purchase sites therefor, and provide for the payment of the cost of the same.

*Second.* To apply for and receive from the county treasurer or other officers, all appropriations for the public schools.

*Third.* To make rules for their own government, and regulations for the government of the public schools.

*Fourth.* To determine the length of time schools shall be taught, which shall not be less than seven months in each year.

*Fifth.* To designate the text books to be used, and the course of study to be pursued in the public schools.

*Sixth.* To appoint teachers, janitors and such other officers or employees, as said board may deem expedient; prescribe their powers and duties; fix the term of office and the compensation or salary of the same; but the term of any such officer created by the board, shall not continue longer than one (1) year, except as herein provided.

*Seventh.* The said board shall have power to dismiss any teacher or other employee for cause, and also to abolish any office created by said board, and to do any and all things necessary to advance the interests of education, the good government and prosperity of the public schools in said district, and the welfare of the public concerning the same.

SEC. 15. The board of education is hereby authorized and empowered to assess and levy a tax, not to exceed five (5) mills on the dollar in any one (1) year, on all the taxable property in said district according to the assessment roll, for the support of the public schools, and such additional sum as may be necessary for repairing school buildings, and for paying the principal and interest on any bonds or other indebtedness of said board of education;

and shall certify the same by its secretary, to the county auditor on or before the tenth (10th) day of October in each year, which tax shall be collected in the same manner and by the same officers as other taxes are collected, and when collected shall be subject to the order of the board of education.

SEC. 16. Whenever it shall become necessary to erect any additional school building or purchase any site therefor, the said board of education, if authorized thereto by a vote of the electors of said school district at any regular election for the choice of officers, may issue and negotiate such an amount of the bonds of the said board for the purpose aforesaid, as may have been authorized by a majority of the qualified electors at said election voting on such proposition.

SEC. 17. All school moneys collected by any collector or other officer, or the county treasurer of Blue Earth county, shall be paid by such collector or officer to the treasurer of said board, who shall give him a receipt therefor signed by himself and the secretary.

SEC. 18. No member of the board of education shall be directly or indirectly interested or concerned in any contract for building or repairing any school building, or in furnishing any supplies for the schools or the board, and any such contract or transaction shall be void, and the office of any such member may be declared vacant.

SEC. 19. The said board of education shall be the judges of the election and qualification of its own members, and shall have power, by a vote of two-thirds of the members of the board, to declare the seat of any member vacant for a violation of the provisions of this act, or in case of non-residence in the ward for which he was elected, or for other good and sufficient cause, on fifteen days' notice and hearing; and all such vacancies shall be filled as hereinbefore provided.

SEC. 20. The act entitled "An act to constitute school districts number one (1) and eighty-four (84) of Blue Earth county, a school district and body corporate by the name of Mankato School District," approved February nineteenth (19th), A. D. one thousand eight hundred and sixty-eight (1868), and the acts amendatory thereto, and all acts and parts of acts inconsistent with this act, so far as they relate to the said school district, are hereby repealed, and the general school laws of the State shall apply to and govern said school district, except as herein provided.

SEC. 21. This act is not to be repealed or affected by any subsequent act unless specially mentioned therein.

SEC. 22. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved March 7th, 1878.