

nicipal judge, the said special judge and the municipal judge shall each have and exercise the powers of said court. If, on the return of the process, or at any time before trial commences, in any action or proceeding, civil or criminal, either party shall make it appear by affidavit, that the judge is a material witness in the case, or shall make it appear by affidavit, that from prejudice or other cause, that he has good cause to believe that the judge will not decide impartially in the matter, and shall before making of the transfer as hereinafter provided, deposit with the clerk the sum of four (4) dollars, as payment of one (1) day's salary of said special judge; the said municipal judge shall forthwith turn over the said cause, with all the papers and records therein, to the said special judge, who shall thereafter act as judge in said case with full powers as court; said special judge shall not act on the trial or examination of any case, or otherwise, except as above provided; and any special judge acting as judge of said court shall receive compensation at the rate of four (4) dollars per day, the same to be paid by the city of Stillwater and deducted from the salary of the municipal judge; except when the same shall be for services performed by the said special judge when the said municipal judge is necessarily and unavoidably absent or sick, or when the said special judge is called in to assist the said municipal judge during an unusual press of business, in which case the said special judge shall be paid by the city and the same shall not be deducted from the salary of the municipal judge. This section shall not incapacitate any such special judge from acting as an attorney in any case or proceeding in said court, but when such judge is acting as judge of said court he shall take no action in said case save to adjourn the same.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1878.

CHAPTER 69.

AN ACT TO AMEND CHAPTER NUMBER THIRTY-SIX (36), OF THE SESSION LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR (1854), BEING AN ACT TO INCORPORATE THE MINNESOTA CENTRAL UNIVERSITY, PASSED BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF MINNESOTA, APPROVED MARCH FOURTH, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR (1854.)

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

SECTION 1. Section one (1) of the act to incorporate the Minnesota Central University passed by the legislative assembly of the

territory, and approved March fourth (4th) eighteen hundred and fifty-four (1854) be amended so as to read as follows:

That there be established in the city of Owatonna, State of Minnesota, an institution of learning by the name of the Minnesota Academy, which name may be changed by the trustees hereinafter created, when authorized so to do by the Baptist State Convention of Minnesota, and that Erastus Westcott, John V. Daniels, Geo. H. Keith, Edward M. Van Duzee, William F. Hillman, Herbert S. Hill, Philo Bliss, Myron A. Fredinburg, Harvey H. Johnson, Robert A. Clapp, William P. Gibson, Mark H. Dunnell, Sarah P. Butler, Lucy A. Allen, Lydia J. R. Gates, Lucy J. Ross, Nancy M. Farrington and Amy H. Wilbout, and their successors be and they are hereby created a body politic and corporate to be styled the trustees of Minnesota Academy, and shall be the trustees of said corporation for the purpose of further establishing, maintaining and conducting an institution of learning for the education of youth of both sexes, and by the aforesaid corporate name to remain in perpetual succession with full powers to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, in all lawful ways. *Provided*, That the annual income shall not exceed thirty thousand (\$30,000) dollars, to have and use a common seal, and to alter the same at pleasure, to make and alter from time to time such by-laws as they may deem proper for the government of said institution, its officers, teachers and agents; and *provided further*, that such by-laws shall not be inconsistent with this act or the constitution and laws of the United States, or of the State of Minnesota.

SEC. 2. Section two (2) of said act is hereby amended so as to read as follows:

Section 2. There shall be at all times eighteen (18) trustees of said institution, six (6) of whom shall be women, and nine (9) at least of said trustees shall be members of some Baptist church or society within the State of Minnesota.

SEC. 3. Section three (3) of said act shall be and is hereby amended so as to read as follows:

Section 3. No religious tenet shall be required of any person to entitle him or her to all the privileges of the institution, and no student shall be required to attend the religious worship of any particular denomination, except as specified by the student, his parent or guardians.

SEC. 4. Section five (5) of said act is hereby amended so as to read as follows:

Section 5. The said board of trustees shall hold their first meeting at Owatonna within thirty (30) days after the passage of this act. *Provided*, That if a quorum shall not attend, the members present shall have the right to organize and adjourn to such time as they shall deem proper to secure a quorum of the board, who shall have power to elect by ballot a president, treasurer and

secretary, and an executive committee of five, (5) who shall hold their respective offices for one year. The first meeting may be called by any two (2) members of the board created by this act, by giving notice in writing seven (7) days before the day of such meeting.

SEC. 5. Section six (6) of said act is hereby amended so as to read as follows:

Section 6. The treasurer before entering upon the duties of his office shall give bond in such sum as the trustees shall direct, and with such sureties as they shall by vote approve or authorize the executive committee to approve conditioned for the faithful performance of his duties, and the delivery to his successors at the expiration of his office, all funds and other property and papers in his possession belonging to the academy, and all other officers and agents before entering upon their duties, shall give a like bond if required by the board of trustees.

SEC. 6. Section eight (8) of said act is hereby amended so as to read as follows:

Section 8. At the first meeting legally called and holden, the trustees shall be divided into three classes of six (6) each, which classes shall be numbered one, (1) two (2) and three, (3) class one shall hold their office till the first annual meeting of the board; class two (2) shall hold till the second annual meeting, and class three (3) shall hold till the third annual meeting, and till their successors are elected, and thereafter each class shall hold for three (3) years, vacancies by resignation or otherwise shall be filled by the board. The trustees at their first meeting shall designate the time and place of their annual meetings, which place shall not be changed except by a vote of two thirds of the trustees present at any regular meeting.

SEC. 7. Section nine (9) of said act is hereby amended so as to read as follows:

Section 9. The trustees shall have authority to appoint and employ all officers, teachers and agents for the institution, shall have power to displace any or all of them, as the interests of the academy may require; to fill vacancies which may happen by death, resignation or otherwise among said officers, teachers, trustees or agents; all elections of trustees, officers, teachers or agents, shall be by ballot.

SEC. 8. Section eleven (11) of said act is hereby amended so as to read as follows:

Section 11. The trustees shall have power to prescribe and regulate the course of study, fix the rate of tuition and make rules for the conduct of students. They shall faithfully apply all funds by them collected or received from any source according to their best judgment in erecting suitable buildings, supporting the necessary teachers and agents, and in procuring books and apparatus necessary to the success of the academy. *Provided*, That in case

any donation or bequest be made for purposes which accord with the design of the institution. The trustees shall receive and accept the same, and shall apply such donation or bequest in conformity with the conditions and designs of the donors and all corporate property belonging to the institution, both real and personal, is and shall be free from taxation.

SEC. 9. Section twelve (12) of said act is hereby amended so as to read as follows:

Section 12. Seven (7) trustees shall constitute a quorum for the transaction of any business of the board, and the board of trustees created by this act is hereby invested with all the property, real, personal and mixed, and all rights of action now held or possessed by the trustees of the Minnesota Central University, and the said trustees of Minnesota Academy are hereby authorized to receive, collect and hold for such academy all such property now held by the trustees of the Minnesota Central University, and the said trustees of Minnesota Academy are hereby invested with all the property real and personal now held in trust in the city of Owatonna State of Minnesota, by the Baptist Centennial Committee of the State of Minnesota, of which Mark H. Dunnell is president, and Erastus Westcott is treasurer, a committee chosen by the Minnesota Baptist State Convention, and made a body politic and incorporate under the laws of the State of Minnesota. *Provided*, That it shall be the duty of the trustees created by this act to deliver to the said committee all moneys received from the trustees of Minnesota Central University to be held by said committee as a part of the endowment fund of said academy; and, *provided further*, that all endowment funds now held by said committee for the benefit of said Minnesota Academy, all subscriptions to the same with all notes running to said committee or its treasurer for said fund, except the interest received therefrom, shall be and remain in the custody and control of said committee, in trust until said committee shall be instructed to turn over the same to the trustees of Minnesota Academy by a vote of the Minnesota Baptist State Convention.

SEC. 10. Sections four, (4) seven, (7) thirteen (13) and fourteen (14) of the act to incorporate the Minnesota Central University, and all acts or parts of acts inconsistent with this act is hereby repealed.

SEC. 11. This act shall take effect when approved by the Governor.

Approved February 12, 1878.