

CHAPTER 88.

(S. F. No. 350.)

AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL.

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

SECTION 1. That the city of St. Paul shall constitute 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 six (6) and twenty-one (21) years inclusive, subject to such rules and limitations as the said board may establish.

SEC. 2. The territorial limits of said board of education shall be co-extensive with the limits of the city of St. Paul, as now existing, or as the same may be hereafter enlarged or altered, and in all cases where, by such enlargement or change in the said city limits, any other school district or part thereof may be included in the territorial limits of said board of education, the organization of such other school district, or part of the same may be continued, by the said board of education, in its discretion and under its supervision, and for such time and under such regulations as the said board of education may prescribe, and said board of education may appropriate, in such case, to the use of such organization so continued by said board, that part of the school fund, and of the fund raised by taxation for school purposes, which would accrue to said board of education by reason of the accession of territory, occupied in whole or in part by such other school district, or make such suitable provision for the same out of the funds under the control of said board of education as said board may deem expedient.

SEC. 3. That on the first (1st) Monday in June one thousand eight hundred and eighty-eight (1888) or as soon thereafter as practicable the mayor of the city of St. Paul shall appoint one (1) school inspector in each of the wards of said city of St. Paul who shall constitute, the board of education of said city of St. Paul, each of said school inspectors shall be a qualified elector and an actual resident of the ward for which he may have been appointed, and shall continue to reside in the ward during the time for which he shall serve as said school inspector; said school inspectors so appointed by the mayor from the odd numbered wards shall hold their office for the term of one (1) year from the first (1st) Tuesday in June eighteen hundred and eighty-eight and until their successors are appointed and qualified and those appointed from the even numbered wards shall hold their offices for the term of two (2) years from the first (1st) Tuesday in June, one thousand eight hundred and eighty-eight (1888) and until their successors are appointed and qualified and thereafter all school inspectors shall be appointed by the mayor for the term of two (2) years unless to fill a vacancy by reason of

death, resignation or removal from the ward or otherwise, and then for only for the unexpired term. The board of education shall remain as now constituted and organized until the first (1st) Tuesday of June, eighteen hundred and eighty-eight (1888), and the term of all school inspectors expiring in June, eighteen hundred and eighty-seven (1887) is hereby extended until the first (1st) Tuesday of June eighteen hundred and eighty-eight (1888), at which date the term of all school inspectors now holding office shall terminate.

SEC. 4. It shall be the duty of the board of education to meet on the last weekday in June in each year, and close up as far as practicable, all old or unfinished business, audit all proper bills, order the same paid, and transact all such other business as may properly appertain to said board. *Provided*, that at such meeting no new business whatsoever shall be transacted, and that at said meeting no person whatsoever shall be nominated, chosen or elected to fill any vacancy in the board,

SEC. 5. Every person who shall hereafter be appointed to fill the office of school inspector of said city, shall, before he enters upon the duties of his office, take and subscribe an oath, to the effect that he will support the constitution of the United States, and of the state of Minnesota, and faithfully discharge the duties of his office, and file the same with the secretary of said board of education, and in case any person so appointed to said office, shall omit to take and subscribe such oath for the period of twenty (20) days after the commencement of his term of office, the said board may declare his office vacant.

Provided, always, That if it shall appear to the said board, that the person so appointed was prevented by absence from the city, illness, or the failure to receive proper official notice of his election, from taking and subscribing his official oath within the time and in the manner herein prescribed, he shall, notwithstanding such omission, on taking and subscribing such oath, be entitled to his seat in said board.

SEC. 6. The school inspectors aforesaid shall constitute and be a corporation as heretofore existing, and hereby continued by the name of "The Board of Education of the City of St. Paul," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying or selling, and conveying real or personal property as the interest of said public schools may require, and as said board may deem expedient, and may adopt a seal and shall have charge of the public schools and educational interests within the limits of said city of St. Paul; all conveyances of property made by said board of education shall be under the seal of said board and subscribed by the president and secretary thereof, and countersigned by the comptroller of said city.

SEC. 7. The board of education, a majority of the members elect of which shall form a quorum, may meet from time to time at such place in said city as they may designate.

SEC. 8. The board of education shall have full power and authority, and it shall be its duty to purchase, lease or erect such school houses as may be necessary, to keep the same in repair, and provide

for the payment of such buildings or repairs, and apply for and receive from the county treasurer, or other officers, all moneys appropriated for the public schools. Said board shall have full power and authority to make by-laws and ordinances relative to the preparing of the enrollment of all scholars between the ages of six (6) and twenty-one (21) years, and the enrollment in said public schools; the making of all necessary reports, and transmitting the same to the proper officers, as designated by law, so that the said city may be entitled to its proportion of the public school fund; relative to the employment and examination of teachers, their power and duties; relative to visitation of schools; relative to the length of time schools are to be kept, which shall not be less than three months in each year; relative to the regulations of schools, and the books to be used therein; relative to the appointment of necessary officers, teachers, and other employes, and may prescribe their powers and duties; relative to any and everything whatever that may advance the interests of education, the good government and prosperity of the public schools in said city, and the welfare of the public concerning the same.

SEC. 9. The board of education shall also, whenever in its judgment additional means may be necessary for the support of public schools in the city of St. Paul, or for the purpose of paying the interest on any bonds now made by said board of education, on or before the first (1st) day of August of each year, present to the common council of the city, a statement of the amount of money beyond that in their treasury needed for such purpose, and said common council shall levy a tax sufficient for such purposes, on all real and personal property within said city, according to the city assessment roll, which shall be collected in the same manner as the money to defray the general expenses of said city, and when collected shall be subject to the order of said board of education, and such levy of the full amount of any such statement so presented and claimed by said board is hereby made mandatory upon said common council. *Provided*, that the levy of such tax shall in no year exceed the maximum of four (4) mills on the dollar of property in said assessment roll, *provided*, however, that when said levy shall exceed three (3) mills on the dollar of the property assessed, the excess shall be set apart in the treasury as a building fund; *provided*, also, that the board of education shall have no power or authority to increase the debt of the city or of said board of education by the issue of bonds or otherwise, unless expressly authorized by law.

SEC. 10. The said board of education shall meet, for the purpose of organizing and electing its officers, on the first (1st) Monday in July of each year, and provided such organization shall not be completed at that time, it may be so completed at a future meeting, and immediately after their organization shall proceed to elect a president and vice president from their number, and a secretary who shall not be a member of said board. The president shall be the president of the said corporation, and shall preside at all meetings of said board; the vice president shall preside at all meetings of said board, when the president shall be absent. The secretary shall keep a true record

of the proceedings of the said board; he shall see that the enumeration of scholars as required by this act, and by the general laws of the state, is properly taken and duly returned to the proper state officer, and perform all such other duties as said board may require of him by its by-laws or otherwise; he shall be entitled to receive such salary for his services as the board may, from time to time determine; in case of the absence of the president and vice president, the inspectors present at any meeting may elect one (1) of their number president pro tempore, who shall act as president aforesaid during the absence of the president and vice president. The said board shall have power to appoint a superintendent, and such other officers, teachers or employes as said board may deem expedient, and to fix the term of office for said officers, teachers or employes, and their compensation or salary, if any; and the said board shall have power to dismiss or dispense with the services of any officer, teacher or other employe, and also to abolish any office created by the board aforesaid. *Provided*, that the term of any such officer, teacher or other employe created by the board aforesaid, shall not continue longer than one (1) year, except as may in this act be provided.

SEC. 11. The board shall annually furnish to the common council of Saint Paul a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued in them, and the expenditures for all the preceding year.

SEC. 12. The superintendent of schools shall be elected for two (2) years and until his successor is elected and qualified, and his term of office shall commence on the first (1st) day of September of the year in which he was elected; and the person so elected can at any time by a vote of two-thirds ($\frac{2}{3}$) of the board of education, be removed from office on ten (10) days notice, for cause. *Provided*, That no minister of any religious denomination shall hold the office of superintendent of public schools of said city.

SEC. 13. All school moneys collected by any officer or officers of the city of Saint Paul, or the county of Ramsey, or of the state of Minnesota, or which may be coming to, or owing, or due, or that may become due or owing to the board of education of the city of Saint Paul, shall be paid to the treasurer of the city of Saint Paul, who is hereby declared to be *ex-officio* treasurer of the board of education of the city of Saint Paul, and who shall receive the same and keep a detailed and exact account thereof in such a manner as to show at all times the exact financial condition of said board. He shall pay the same out from time to time, upon warrants signed by the president and secretary of the board of education and countersigned by the comptroller of the city of Saint Paul. He shall exhibit to the board of education at their first meeting in April in each year, and as often as the said board may require, a full and detailed account of all moneys received and paid out since the date of the last annual report, or for any required payment.

SEC. 14. All the funds of the board of education of the city of

Saint Paul shall be deposited daily by the treasurer of said board in one(1) or more designated national banks, or state banks, or private banks, or banks in the name of the said board of education of the city of St. Paul; such bank or banks or bankers shall be designated by the board of education in their discretion, after requesting and receiving proposals, stating what security should be given to said board for such funds so deposited, and what interest would be paid on the daily balances of the amount so deposited, upon condition that said funds, with accrued interest, shall be held subject to draft and payment at all times on demand. *Provided*, That the amount deposited in any bank or banking house, shall not exceed the assessed capital stock of said bank or banking house as shall appear on the duplicate tax list. Before any national, state or private bank or banker shall be designated as such depository, such bank or bankers shall deposit with such treasurer a bond payable to said board of education, and signed by not less than five (5) freeholders of the city of Saint Paul, as sureties, which bond shall be approved by said board of education, and shall be in such amount as said board shall direct, which amount shall be at least double the amount of funds to be deposited with said bank or bankers. Whenever any portion of the funds of said board of education shall be deposited by the treasurer of said board in the manner provided in this act, such treasurer, and the sureties on his bond, shall be exempt from all liability thereon by reason of the loss of any such deposited funds from the failure, bankruptcy, or any other act of such bank or banker, at the time of such failure or bankruptcy. *Provided*, That if no bank or banker shall be designated as aforesaid, the said city treasurer shall keep said funds, and be responsible therefor.

SEC. 15. The said treasurer shall give bond with two (2) or more sureties, freeholders, to be approved by the board of education and in such sum as they may direct, not exceeding the sum of one hundred thousand dollars (\$100,000), payable to the state of Minnesota, conditioned that such treasurer shall faithfully execute the duties of his office as such treasurer of said board of education, and for the safe keeping and paying over according to law, of all moneys which come into his hands belonging to said board of education, or under the provisions of this act, which bond shall be filed in the office of the secretary of said board and shall be properly kept by him.

The expense of the schools and the time of their continuance, shall be limited to the amount of appropriations made therefor; and no deficiency shall be created to be made up by the following year's taxation; and no change in the school books shall be made except by a vote of three-fourths ($\frac{3}{4}$) of all the members of said board elect. *Provided, always*, That nothing herein contained shall be so construed as to prohibit the board from borrowing money to meet the current expenses of the year but all moneys so borrowed, if any, must be repaid out of the appropriations made for such year, as the same shall from time to time be collected, and shall not exceed the amount of said appropriation.

SEC. 16. And the interest and principal of all school bonds,

notes, obligations, debts, liquidated accounts, or demands now due or owing or growing out of the school system of the city of Saint Paul, shall be payable, and paid by and through the treasury of the board of education of the city of Saint Paul, after the same shall have been duly examined and audited by the said board of education in the city of Saint Paul, and the faith and credit of the city of Saint Paul is hereby irrevocably pledged for the payment of the principal and interest of such notes, bonds and obligations aforesaid. No part of the real or personal property, held for school purposes, shall be subject to execution or sale, for any debt or liability against the said school board or school corporation, or for any liability due by the city of Saint Paul, but the same exemption from execution and sale as is now provided by the charter of the city of Saint Paul, shall apply to all the school property, real, personal and mixed, and all liens heretofore created, either express or implied, on any of the school property, on account of school bonds now issued, shall remain inviolate, and shall be kept, held and enforced.

SEC. 17. All claims against the board of education of the city of Saint Paul must be sworn to by the claimants, and no claim shall be allowed unless authorized by a majority vote of all the members elect, after which all such claims shall be transmitted to the city comptroller of the city of Saint Paul for auditing, and the said city comptroller, after having found the same to be correct and audited by him in a book entitled "Audited Claims," shall transmit all such claims to the secretary of the said board, who shall draw a warrant upon the treasurer of said board for each claim in favor of the party or parties entitled to receive such, and the said warrant shall be signed by the president and secretary of the said board of education, and countersigned by the comptroller of the city of Saint Paul, after which the said secretary shall deliver the said warrant to the party or parties entitled to receive such, taking a receipt therefor upon the stub of the book from which such warrant was taken.

Provided, That orders may be drawn for the payment of all claims for the salaries of the officers, teachers and employees of said board when the same shall have been certified to by the president and secretary and the superintendent of schools, and audited by the city comptroller.

SEC. 18. No warrant on the treasurer shall be drawn or issued until there shall be funds sufficient to pay the same, together with the warrants that may be then outstanding, and the city comptroller is prohibited from countersigning any such warrant until there shall be sufficient funds in the treasury to meet such warrants which may then be outstanding. *Provided*, That this prohibition shall not apply to any warrant to pay for fuel, printing and stationery, and the salaries of teachers and other employees of the board of education. The board of education is prohibited from borrowing any money for any purpose whatever, other than for the purpose of paying the interest on the bonded debt, and to pay for fuel, printing and stationery, or current expenses, and the redemption of any notes or certificates of indebted-

ness that may be outstanding at the present time, together with the salaries of teachers and all other employees of said board; but in no instance shall the said board be allowed to borrow money for any of the said purposes unless the funds in the treasury are so depleted as to warrant the same. Furthermore, the said board shall not have the power, and is hereby prohibited from diverting for any purpose whatever, any money that may be paid into the treasury from the collection of taxes, state school apportionment, or from all other sources of revenue, other than for the purpose of paying the legitimate expenditures as required by the annual tax levy estimate, to pay interest on the bonded debt, salary of teachers, fuel, printing and stationery, general expenses, and bonds maturing for which taxes are annually levied.

Provided, further, That if, during any year, at the time of the completion of any contract made by said board of education, there shall be no money in the treasury applicable to the payment of said contract after the allowance of any estimate, the city comptroller is hereby authorized to issue a certificate of indebtedness for the amount due on said estimate; said certificate to be signed by the president of said board, attested by the secretary, and countersigned by the comptroller. Said certificate to be payable whenever there is money in the school treasury properly applicable to pay the same, with interest not exceeding eight per cent. per annum, payable semi-annually at the office of the treasurer of the board of education of the city of Saint Paul. The faith and credit of the city of Saint Paul are and shall be irrevocably pledged for the payment of the principal and interest, and for all other indebtedness, that may be now due or to become due, by the board of education of the city of Saint Paul.

SEC. 19. The funds for which a tax levy must be made shall be as follows: interest and sinking fund, building fund, salary fund, and general fund.

SEC. 20. No certificate of indebtedness, or note for money borrowed shall be issued unless authorized by a majority vote of all the members elect of the board of education, and shall not draw a greater rate of interest than seven per cent. per annum, payable semi-annually. All certificates or notes shall bear the official seal of the Board of Education, and shall be signed by the president, secretary and treasurer of the said board, and countersigned by the city comptroller of the city of Saint Paul, after which the said city comptroller shall deliver the said certificate of indebtedness or notes to the treasurer of the said board, taking his receipt therefor, and charging him with the proceeds.

SEC. 21. The city comptroller shall at all times have access to the reports, books, papers, vouchers and accounts of the treasurer of the board of education, and shall adjust all accounts between the said treasurer and the said board, giving the said treasurer a receipt for all vouchers for all money legally disbursed; all such settlements, if correct, must be approved by the board of education, after which the committee on finance of said board, in the presence of the treasurer of the said board, and of the city comptroller, shall destroy all

such vouchers, so allowed, and receipt to the city comptroller for the same. The city comptroller shall keep regular books of the accounts in which he shall enter all indebtedness of said board of education. He shall countersign all bonds, warrants drawn on treasury, and other evidences of indebtedness of the said board, and shall keep an exact account thereof, stating to whom and for what purpose issued, and shall keep an account with the treasurer of said board, showing the amount received from all the different sources of revenue, and the amount disbursed under the direction of the board of education. All contracts and leases shall be signed by the president and secretary of the board of education, and countersigned by the city comptroller, after which the same shall be kept on file in the office of the said city comptroller.

SEC. 22. Any vote or act of any member of the board of education or of the treasurer, secretary and other officers of said board, together with the city comptroller of the city of St. Paul, made or done with the wilful intent to evade the provisions of this law, or to divert the funds raised by taxation or otherwise, to a specific purpose, is hereby declared to be a misdemeanor, and upon conviction thereof such officer shall be punished by a fine not exceeding five hundred (500) dollars, and by imprisonment in the county jail of Ramsey county not exceeding six (6) months.

Provided. The board of education may by a majority vote of all the members elect, divert money from any fund to the interest and sinking fund whenever such interest and sinking fund requires it, for the purpose of paying the interest on the bonded debt, and the redemption of bonds.

It shall be the duty of the city comptroller to annually submit to the board of education at their first (1st) regular meeting in the month of April in each year, an itemized report of the financial condition of said board. He shall make a list of all outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they may respectively bear. The fiscal year of said board shall commence on the first (1st) day of January of each year.

SEC. 23. The proceedings of all regular and special meetings shall have one publication in the official paper of said board. All job work and printing shall be paid at a rate not exceeding the sum paid by the city of Saint Paul under the contract for city printing.

SEC. 24. On the first (1st) Monday in each and every month, the treasurer of the board of education of the city of Saint Paul shall report to the secretary of said board of education, which report shall be laid before the said board at their next meeting, the amount of all public funds under his control as treasurer of the board of education, and where placed or deposited; which report said treasurer shall cause to be published in the official newspaper of said board, on the next publication day of said newspaper.

SEC. 25. No purchase of supplies shall be made except upon the requisition of the secretary and approval of the president of said board and the proper committee.

SEC. 26. No school inspector shall directly or indirectly be a party to, or interested or concerned in, any contract or job with the said board of education, or in any work, merchandise, or in the supplying of any books or supplies, done or furnished for the use of said board of education, or the public schools of the city of Saint Paul; and any contract or transaction prohibited aforesaid shall be void, and all moneys which may be paid thereon, by said board, may be recovered back, and the office of any such school inspector so offending shall become thereby vacant.

SEC. 27. The said board of education shall be the judge of the qualifications of its members, and shall have power by a vote of two-thirds ($\frac{2}{3}$) of the members of the board elect to declare the seat of any school inspector vacant, for violation of any of the provisions of this act, or in case of non-residence of any school inspector in the district for which he was elected, or absence from three consecutive regular meetings, or for other good sufficient cause, on fifteen days' notice and hearing; all such vacancies shall be filled as hereinbefore provided. Said board shall have the authority to administer oaths, and power to send for persons and papers.

SEC. 28. All acts or parts of acts, so far as they relate to the board of education of the city of Saint Paul, inconsistent with this act, are hereby repealed, and the general laws of the state, so far as the same require the election of district town school trustees, shall not apply to the said city of Saint Paul; but no such repeal shall supersede any inspector heretofore elected, or other officers of said board heretofore elected or appointed, or affect any contracts, bonds, actions, proceedings, made; issued or had by the said board.

SEC. 29. This act shall be in force from and after its passage.

Approved February 26th, A. D. 1887.

CHAPTER 89.

[S. F. No. 203.]

AN ACT TO AMEND CHAPTER THIRTY-SIX (36) OF THE LAWS OF MINNESOTA, APPROVED MARCH (4TH), ONE THOUSAND EIGHT HUNDRED AND FIFTY FOUR (1854), BEING AN ACT TO INCORPORATE THE MINNESOTA CENTRAL UNIVERSITY, AND ACTS AMENDATORY THEREOF.

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

SECTION 1. That section eight (8) 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), as said section is amended by section six (6) of chapter sixty-nine (69) of the special laws of the State of Min-