

## CHAPTER 311.

[S. F. No. 572.]

AN ACT TO CHANGE THE BOUNDARIES OF SCHOOL DISTRICT NUMBER ONE (1), IN THE CITY OF FARIBAULT, COUNTY OF RICE AND STATE OF MINNESOTA.

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

SECTION 1. That the east half ( $\frac{1}{2}$ ) of section thirty-three (33), in township one hundred and ten (110) north of range twenty (20) west, is hereby detached from school district number one (1), in the county of Rice and state of Minnesota, and attached to school district number one hundred and fourteen (114) of county and state aforesaid, and that the northwest quarter ( $\frac{1}{4}$ ) of section number one (1) and the east half ( $\frac{1}{2}$ ) of northeast quarter ( $\frac{1}{4}$ ) of section number two (2), all in township number one hundred and nine (109) north of range twenty-one (21) west, be hereby detached from school district number fifty-five (55) of Rice county, Minnesota, and attached to school district number one (1) of county and state aforesaid.

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

Approved April 14, 1891.

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## CHAPTER 312.

[H. F. No. 1251.]

AN ACT FOR THE FORMATION AND TO FIX THE BOUNDARIES OF THE INDEPENDENT SCHOOL DISTRICT OF THE CITY OF DULUTH, IN ST. LOUIS COUNTY, MINNESOTA, AND TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF SAID DISTRICT AND DEFINE THE POWERS OF THE BOARD.

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

SECTION 1. All of the territory at the present time contained within the municipal limits of the city of Duluth, and, in addition thereto, the territory contained within the following limits, to-wit: Commencing at a point in the bay of St. Louis, county of St. Louis and state of Minnesota, where the boundary line of the city of Duluth intersects the state line between Minnesota and Wisconsin; and running thence northwest along said city boundary line to the shore line of said bay; thence west on said city line to the northwest corner of lot two (2), in section five (5), in township forty-nine (49), range fourteen (14) west; thence north along said quarter section line to the township line; thence west on said township line to the northwest corner of section

two (2), in township forty-nine (49), range fifteen (15); thence south on the section line to the southwest corner of section fourteen (14); thence west to the northwest corner of section twenty-two (22); thence south to the northwest corner of section thirty-four (34); thence east to the state line aforesaid; thence along said state line down said state line in the St. Louis river and bay to the place of beginning, shall be and is hereby organized as an independent school district, and its board of directors and their successors in office shall be a corporation under the corporate name of "The Board of Education of the City of Duluth;" and as such corporation shall be and is the legal successor of the board of education of the independent school district of Duluth, as the same is at present formed and constituted; and for that purpose, said territory being outside of the corporate limits of the city of Duluth is hereby detached from school district number one (1), St. Louis county, Minnesota. In addition to the foregoing territory all of the territory of the city of Duluth, as the same shall hereafter be extended and defined, shall be included in and constitute the said school district. Said corporation may have and use a seal which shall contain the words, "Board of Education of the City of Duluth," and "Seal."

SEC. 2. The members of the board of education of the city of Duluth shall be eight (8) in number, until the annual election in one thousand eight hundred and ninety-three (1893), when the number shall be increased to and remain nine (9); and the first (1st) board shall consist of the members of the present board of education of the independent school district of Duluth and in addition thereto, the following named persons, J. W. Phillips and E. H. Hall, who are residents in and electors of said proposed new district. The said members of the board of education, as at present constituted, shall hold the irrespective offices for the remainder of the terms for which they were originally elected; and the said two (2) additional members shall hold their offices as such until the next succeeding annual election of school district officers in the year eighteen hundred and ninety-one (1891), and until their successors in office are elected and qualified.

At the annual election of members of the board in eighteen hundred and ninety-one (1891) there shall be elected three (3) directors for the term of three (3) years, and one (1) director for the term of one (1) year, to succeed the four (4) directors whose terms of office expire in the year eighteen hundred and ninety-one (1891) under this section; and thereafter, three (3) directors shall be elected at each annual election to fill the places of the retiring directors, who shall serve for three (3) years and until their successors are elected and qualified.

A majority of the members of said board of education shall constitute a quorum to transact business, but any number may adjourn from day to day.

SEC. 3. Elections in said district shall be held at such place within each election precinct in said district as the board of education shall designate, and the polls shall be kept open from ten (10) o'clock in the morning until four (4) o'clock in the afternoon, and notices shall be given by the clerk of the board of education of the time and places of holding such elections and the officers to be elected, and of any question to be submitted to the voters at such election, by publishing the same in a daily newspaper published in said district, in each issue of such paper, during the ten (10) days immediately preceding the day of such election.

SEC. 4. All elections shall be by ballot, and each ballot shall contain all the names of persons voted for, with a proper designation of the office written or printed thereon, and when any person is voted for for less than a full term, the length of such term shall be properly designated; and a plurality of votes shall elect. When two (2) or more candidates shall receive an equal number of votes for the same office, the election may be determined by the casting of lots, in the presence of the board of education, at such time and in such manner as they shall direct.

SEC. 5. Elections in said district shall be held and conducted by inspectors of election appointed by the board of education, and any voter in said district shall be eligible to appointment as such inspector, and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges and inspectors of election, and shall have power to appoint clerks of such elections and to administer the necessary oaths. Such elections shall be conducted, as nearly as practicable, in the same manner, and vacancies in the board of inspectors filled, as required by the general laws of the state regulating elections; and inspectors and clerks of election shall receive such compensation as may be fixed by the board, not exceeding that allowed by general laws to judges and clerks of election.

SEC. 6. If either of the inspectors of election at any election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of any such person be challenged by a qualified elector of the district, the inspector, before receiving the vote of such person, shall require of him to take the following oath, to-wit: You do solemnly swear (or affirm, as the case may be) that you are twenty-one (21) years of age, that you have resided within this state four (4) months and within this election district ten (10) days next preceding this election, and that you have not voted at this election. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful perjury and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person not a qualified voter shall vote at any election held pursuant to this act, or if any person shall vote in any other election district than in the one in which he resides, or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, and may be imprisoned until such fine and costs of prosecution are paid, not exceeding three (3) months. If any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of any voter as he votes, or shall willfully make untrue or incorrect counts or tables of votes, each and every such inspector or clerk shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty (50) dollars, nor more than one hundred (100) dollars, and may be imprisoned until such fine and costs of prosecution are paid, not exceeding three (3) months.

SEC. 7. When any election is closed the number of votes for each person voted for, and for and against each proposition or question voted upon, shall be forthwith counted and ascertained by the in-

spectors, and they shall make return thereof, stating the number of votes for each person for each office, and for and against each proposition or question voted upon, and shall deliver, or cause to be delivered, such returns to the clerk of the board of education, within two (2) days after any election; and within one (1) week after any election the board of education shall meet and canvass said returns and declare the result as it appears from the same, and the clerk of the board of education shall forthwith give notice to each of the persons so elected of their respective elections.

SEC. 8. The annual election of school directors shall be held on the third (3d) Saturday of July of each year.

SEC. 9. School district meetings shall not hereafter be held in the independent school district of the city of Duluth, and all the powers or functions now or which may hereafter be conferred upon independent school district meetings by general law, except the power to elect members of the board of education and the power to authorize the issuance of the bonds of the district, so far as it relates to said district, shall be possessed and exercised by the board of education of said district. And the board shall have power to appoint persons to fill vacancies in the board, who shall hold their offices until a general election, and may, by a two-thirds ( $\frac{2}{3}$ ) vote, remove a member of the board for willful neglect to attend the meetings of the board during three (3) months in succession; but no member shall be so removed until after notice and a chance to be heard.

SEC. 10. The board of education of the city of Duluth may, at any general election of the district, or at a special election ordered by the board of education for that purpose, submit to the voters of said district the question whether other and additional bonds of the district besides those already issued shall be issued for the purpose of purchasing and paying for sites and the erection and furnishing of school houses. Before any such question shall be so submitted, the said board shall, by resolution, declare it, in the opinion of the board, expedient that a specified amount of the bonds of the district, bearing a specified rate of interest, not exceeding six (6) per cent per annum, and running a specified number of years, not exceeding thirty (30), should be issued, and that the question of their issue shall be submitted to the voters of the district at an election to be held on a specified day; and such resolution shall be published in connection with the notice of the election at which the question is to be submitted. And at such elections the persons desiring to vote in favor of the issuance of such bonds shall have written or printed on their tickets the words, "Shall bonds be issued — Yes;" and those desiring to vote against the issuance of such bonds shall have written or printed on their tickets the words, "Shall bonds be issued — No." If two-thirds ( $\frac{2}{3}$ ) of those voting on the question shall vote in favor of issuing such bonds, the board shall have authority to cause them to be issued, and the same, when issued, shall be valid and binding on the district, but shall not be sold below their par value.

SEC. 11. The board of education of the city of Duluth shall receive all moneys and all property belonging to or accruing to the former board of education of the independent school district of Duluth and to school district number one (1), St. Louis county, Minnesota, or any part of the same, excepting that portion of the property of the latter district lying outside the territory included within the independent

school district of the city of Duluth, for the use and benefit of the public schools therein, and shall succeed to all the rights and be subject to all the liabilities of the same, excepting that said school district number one (1), St. Louis county, Minnesota, as constituted before the passage of this bill, shall remain liable for the fifteen thousand dollars (\$15,000) loan heretofore made by it in accordance with the provisions of Chapter one hundred and ninety-three (193) of the General Laws of Minnesota for the year eighteen hundred and seventy-seven (1877); and the sum of two thousand (2,000) dollars of the moneys belonging to said school district number one (1), St. Louis county, Minnesota, shall be left in the hands of the treasurer of said district, as it shall be constituted after taking from its territory that portion thereof included under the terms of this act in the said independent school district of the city of Duluth, for the purpose of defraying the school expenses thereof for the balance of its school year.

SEC. 12. Any bank within the limits of the city of Duluth having a capital stock of at least fifty thousand (50,000) dollars, which desires to receive on deposit any or all of the funds in the hands of the treasurer of the said board of education, shall, prior to September first (1st) in each year, file with the clerk of the said board an application for said deposit, stating that it will furnish good and sufficient bonds, payable to the said board of education, for double the amount of money likely to be received and conditioned for the safe keeping and payment, upon demand by the treasurer of the board, of the funds so deposited with it and interest thereon. The application so filed shall be presented to the board of education, and the board of education may then designate as the depository of the funds of the said board one (1) or more of the said banks, or may reject any or all of the said applications. The applications aforesaid shall state the rate of interest which the various banks will agree to pay on the average daily balances of money so deposited in said bank, which said interest shall be credited to the account of said board of education once in each month. After such designation shall have been made and the bank or banks so designated shall have executed a good and sufficient bond, which shall be presented to the board of education and approved by them, then all the funds in the hands of the treasurer of the board of education, or thereafter received by him, shall be deposited in the said bank or banks, in the name of the board of education and subject to the order of the treasurer of the board. When the funds in the hands of the said treasurer shall have been placed in the bank or banks designated as aforesaid, such treasurer and his bondsmen shall be exempt from liability therefor by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of the said bank or banks at the time of such failure or bankruptcy or other acts aforesaid; but in all other cases the treasurer of the board of education and his bondsmen shall be liable for the full amount of all the funds at the disposal of the said treasurer.

SEC. 13. Upon and after the passage of this act said board of education of the city of Duluth shall be governed by the provisions of the general laws of the state of Minnesota governing independent school districts, not inconsistent with the provisions of this act, and by the general school laws of the state of Minnesota not inconsistent with this act and with the laws of Minnesota governing such independent

school districts, and all special acts heretofore passed for the government of the board of education of the independent school district of Duluth and inconsistent with this act are hereby repealed; *Provided*, that the repeal of any such acts shall not affect any rights acquired or penalties incurred or proceedings begun under any of said repealed acts.

SEC. 14. This act shall take effect from and after its passage and approval.

Approved April 14, 1891.

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## CHAPTER 313.

[H. F. No. 57.]

AN ACT TO DETACH CERTAIN TERRITORY FROM INDEPENDENT SCHOOL DISTRICT NUMBER SEVENTY-THREE (73), COMPOSED OF TERRITORY SITUATE IN THE COUNTIES OF SCOTT AND LE SUEUR AND STATE OF MINNESOTA, AND ATTACH THE SAME TO COMMON SCHOOL DISTRICT NUMBER SIXTY-TWO (62), IN SAID COUNTY OF SCOTT AND STATE AFORESAID.

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

SECTION 1. That all of the west half ( $\frac{1}{2}$ ) of section number twenty-six (26), except the northwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of said section number twenty-six (26), and the north one-half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number twenty-three (23), and the land described as follows: Commencing at the northeast corner of the southeast quarter ( $\frac{1}{4}$ ) of section number twenty-two (22); thence running due west one hundred and sixty (160) rods; thence due south thirty-four and thirty-nine one hundredths (34.39) rods; thence due east fifty-five and sixty-one one hundredths (55.61) rods; thence due south sixty-five and fifty-four one hundredths (65.54) rods; thence due east one hundred and four and thirty-nine one hundredths (104.39) rods; thence due north ninety-nine and ninety-three one hundredths (99.93) rods to the place of commencement, all situate in township number one hundred and thirteen (113) of range number twenty-three (23), in the county of Scott and state of Minnesota, be and the same is hereby detached from said independent school district number seventy-three (73) and attached and made part of common school district number sixty-two (62), in said county and state aforesaid.

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

Approved January 29, 1891.