

CHAPTER 36.

[H. F. No. 804.]

AN ACT TO ABOLISH THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, AND TO REPEAL AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, APPROVED FEBRUARY TWENTY-SIXTH (26th), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AND AN ACT TO AMEND SECTIONS FOUR (4), NINE (9), TEN (10) AND EIGHTEEN (18) OF AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, APPROVED FEBRUARY TWENTY-FIRST (21st), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), AND PROVIDING THAT THE CITY OF ST. PAUL SHALL CONSTITUTE A SINGLE INDEPENDENT SCHOOL DISTRICT AND EXERCISE ALL THE POWERS HERETOFORE VESTED IN THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL.

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

SECTION 1. That on or before the first (1st) day of May, A. D. one thousand eight hundred and ninety-one (1891), seven (7) persons shall be appointed by the mayor of the city of St. Paul as school inspectors of the city of St. Paul. Each of said school inspectors shall be a qualified elector of, and shall have resided in, said city at least four (4) years prior to the date of his appointment. Three (3) of said inspectors so appointed shall hold said office for the term of one (1) year, and two (2) for the term of two (2) years, and two (2) for the term of three (3) years, and until their successors are appointed and qualified, and thereafter all school inspectors shall be appointed by the mayor on or before the first (1st) day of March in each year, for the term of three (3) years, unless to fill a vacancy by reason of death, resignation, removal or otherwise, and then for only the unexpired term.

Every person who shall hereafter be appointed to 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 promptly and faithfully discharge the duties of his office, and file the same with the comptroller of the city of St. Paul; and in case any person so appointed to said office shall omit to take and subscribe such oath, and file the same as aforesaid, for the period of five (5) days next after said appointment, such default shall be taken as a refusal to serve, and the mayor of said city may make a new appointment, as in case of a vacancy in said board.

The board of education as now constituted and organized shall so remain until the fifteenth (15th) day of May, A. D. one thousand eight hundred and ninety-one (1891), at which date the term of all the members of the existing board of education now holding office, or who may be appointed prior to that date, shall expire.

SEC. 2. The several school inspectors of the city of St. Paul, appointed under this act, shall meet on the fifteenth (15) day of May, A. D. one thousand eight hundred and ninety-one (1891), and on the second (2d) Tuesday of March of each and every year thereafter, for the purpose of electing a president and vice president from their number, and a secretary for the board, whose term of office shall be one (1) year, and until their successors are elected and qualified. They shall also elect a superintendent of the public schools of said city, at their meeting in June, one thousand eight hundred and ninety-two (1892), whose term of office shall be two (2) years; all of whom shall serve until their successors are elected and qualified; *Provided, however,* that if the organization of the board of inspectors shall not be completed at the time, it may be completed at any future meeting. The president so elected shall be the president of the board, and shall preside at all meetings thereof and shall perform all other duties as in this act provided. The vice president shall preside at all meetings of this board when the president is absent. The secretary shall keep a true record of the proceedings of said board and perform such other duties as herein provided, and as may be ordered by said board. Said board so constituted and organized shall have, possess and exercise, under the supervision and direction of the said city, all the powers and rights that have been and now are vested in the board of education of the city of St. Paul, except the right and power to be a corporation and except as may be otherwise ordained by the city of St. Paul, under and in pursuance of the provisions of this act. From and after the fifteenth (15th) day of May of the year one thousand eight hundred and ninety-one (1891) the board of education of the city of St. Paul shall cease to be a corporation with power to sue or be sued, plead or be impleaded, and the board of inspectors hereby authorized and created shall, as the head of an executive branch of the government of the city of St. Paul, execute all the powers vested by this act or by the general laws of the state in any school district or in the city of St. Paul as a separate and independent school district, and no other powers. And said board of inspectors shall have power to adopt such rules and regulations for its own government as it shall deem best, not inconsistent with the intent and provisions of this act.

The city of St. Paul shall be and hereby is made a separate and independent school district, and vested with power to contract and be contracted with, sue and be sued, and with all the powers and rights specified in any general law of the state of Minnesota in relation to school districts in all matters pertaining to public schools in said city, and said powers shall be exercised by and through said board of school inspectors solely under the legislative department of government of the city of St. Paul, except as in this act otherwise provided. And all such public schools shall be free.

SEC. 3. It shall be the duty of the board of school inspectors organized under this act to make a report to the mayor of the city of St. Paul, on or before the first (1st) day of June in each year after the year one thousand eight hundred and ninety-one (1891), showing the number of school children that have attended each of the free schools in said city and school districts during the school year preceding, which year shall extend from the first (1st) day of September to the first (1st) day of July, the number of teachers and other employes that have been employed in the free or public schools, and the salary or compensation

paid to each, and to give a list of the names of all persons employed and the amount of compensation received by each person during the past year.

Said report shall specify the monthly compensation that they recommend to be paid to each of the teachers or class of teachers of said public schools or other employes for the following school year; *Provided*, that as far as practicable it shall be the duty of said inspectors in each year to appoint, not later than June fifteenth (15th), all the teachers for the next ensuing school year, and notify each teacher thereof. The mayor shall transmit the same, with his approval or disapproval thereof, or such other recommendations as he may make in relation thereto, to the common council of the city of St. Paul, to be convened for the purpose of acting upon the same within ten (10) days thereafter.

The common council shall, by ordinance, have the power to reduce the aggregate or total amount of all the salaries for the ensuing school year, specifying the amount to be taken from the salaries of the teachers and the amount from other employes, but shall not have power to increase or raise the same, or to fix the amount to be paid to any particular teacher or other employe or to any specific class of teachers (but the board of inspectors in these respects shall have exclusive control), and the aggregate amount of the reduction from the aggregate compensations to be allowed and paid the school teachers or other employes for the ensuing year shall be apportioned among said teachers and employes by the board of inspectors, in such manner as said board shall deem just and most conducive to the public welfare; and the amount of compensation to each teacher and each class of teachers and employes thus fixed shall be paid to the teachers and employes of the said school district and city of St. Paul for the ensuing year, and shall be paid monthly by a requisition of the president of the board of inspectors upon the comptroller, who shall issue his warrant on said requisition upon said treasurer, as in this act provided. Teachers appointed by the said inspectors shall serve during the pleasure of the inspectors, and shall not be subject to an annual election; *Provided*, that all teachers so appointed have taught successfully in the schools of St. Paul for at least one (1) year; *And provided further*, that the salaries of all teachers and other employes shall be fixed annually, as provided in section three (3).

Said board of inspectors shall also, in said report, state the number of sittings for school children in the various public school buildings, and in the high school building of said city, and shall state whether or not, in their judgment, any more sittings are required for the ensuing year, and if, in their opinion, additional sittings are required, they shall state in what particular locality of the city a building may be erected that will accommodate the largest number of children for whom provision is not already made, and specify, as near as they may be able, what the cost by purchase or condemnation will be of a suitable site for a school building, as well as the cost of a suitable building to be erected thereon. The common council shall, whenever the conditions of the funds derived from the school tax, levied and collected as provided by law, or whenever any other fund in the city treasury is available for such purpose, thereupon, by a three-fourths ($\frac{3}{4}$) vote, order the mayor and president of the board of education to proceed to obtain such a site and erect a suitable building thereon, in accord-

ance with plans and estimates to be provided by the said board of inspectors. Proposals for furnishing the material and for the erection and construction of said building, and for the grading and preparing the ground for the erection thereof, shall be advertised for by the mayor and president of said board of inspectors for at least three (3) successive weeks, once in each week, specifying the kind, amount of material required, the amount and character of the work to be performed, and giving as fully as may be all the details both as to material and work to be done, and state that the contract for furnishing said building and doing said work shall be awarded to the lowest responsible bidder, and giving the time and place when and where said proposals will be received and opened. And at the time and place designated in said notice all proposals received for furnishing said material and for doing said work in the erection and construction of said building and in grading and repairing the ground for the same shall be opened in the presence of the bidders, if they desire to attend, and, in any event, shall be publicly opened, and the contract for furnishing said material and for the erection and construction of said building and grading and preparing the site for the same shall be awarded and let to the lowest responsible bidder, who shall be required to give bonds, with good and sufficient surety or sureties, as required by law, to furnish said material and perform said work in accordance with the terms of said contract. Before the proposals are advertised, plans and specifications for said building shall be filed with the secretary of the board of inspectors, and shall be open to the inspection of all people, and especially those who desire to bid upon said contract. When said bids are opened a list shall be made of all the bids received, and the same shall be filed in the office of the city comptroller.

All contracts for the purchase of sites for school buildings and for the erection and construction of school buildings, and material to be used in the same, shall be executed by and between the contractor and the city of St. Paul, and the amount of money to be paid to any contractor shall be paid from the city treasury upon the warrant of the said comptroller, based upon a requisition drawn upon him by the mayor of the city and the president of the board of inspectors, which requisition shall specify the contract upon which the money required is drawn, the whole amount of money that will become due upon said contract, and the proportion of the same that has already been paid, including the requisition drawn.

All expenses incurred by the board of inspectors in procuring and furnishing plans and estimates for school buildings shall be paid for from the city treasury by warrant drawn by said comptroller upon the city treasury, based upon a requisition signed by the president of the board of inspectors.

SEC. 4. Whenever any school building is ordered erected and constructed by the common council for the city of St. Paul, a building inspector shall be appointed by the mayor and confirmed by the council, whose duty it shall be to thoroughly examine and inspect the work upon said building, as well as said building when completed, and who, before any requisition is drawn for the payment or part payment of materials furnished and work done, shall report over his own signature that the materials furnished and the work done upon said buildings has been furnished and done in accordance with the plans and specifications therefor; and when said building is completed, he shall

make a final report to the common council over his signature, specifying fully the kind and amount of material that has been used, and the manner in which said building has been erected and constructed.

SEC. 5. The board of school inspectors shall have the care, custody and control of all the school buildings and school property in said school district and in the city of St. Paul, including the sites and public properties pertaining to the public or free schools of said city, including those that, prior to the passage of this act, were under the control of the board of education, and shall see that the same are faithfully and properly cared for and protected. Said board shall appoint janitors and watchmen of said buildings, and the police department of said city of St. Paul, and each policeman thereof, is charged with the duty of especially and carefully protecting said school property and school buildings in every respect. Said school buildings and the sites on which they are erected, and all property pertaining to the public and free schools of the city of St. Paul, which has been and is now in the possession of the board of education of the city of St. Paul, as a corporation, is hereby divested from said board of education and vested in the city of St. Paul in trust, for the uses and purposes of education solely, and shall be held for such purposes and uses by said city forever, unless otherwise provided by law.

SEC. 6. The expense of the public schools of the city of St. Paul shall not in any year exceed the amount of money appropriated and set apart therefor by the common council of said city, and the common council of said city is hereby prohibited from making any greater tax levy in any one year, for the support and maintenance of the public and free schools of said city, than two and one-half (2½) mills on a dollar, nor less than two (2) mills on the dollar on all property on the assessment roll; out of which amount said council may set apart one-half (½) mill on the dollar for the erection of additional buildings for school purposes, or for creating a fund that shall be set apart for that purpose exclusively. And said board of inspectors shall have no power or authority to create any indebtedness against the city of St. Paul or to pledge the faith and credit of said city in any respect whatever until after the common council or legislative department of the city government has, by ordinance, ordained what the expenditures for school purposes in said city for the school year shall be, and then only to the extent of the amounts so set apart by ordinance for school purposes for such year; and in no year shall the aggregate amount set apart exceed an amount greater than two and one-half (2½) mills on a dollar of the property assessed for taxation in said city for such year, and any violation of this provision shall be a misdemeanor, and, upon conviction, any party violating the same shall be punished by imprisonment in the county jail for six (6) months.

SEC. 7. It shall be the duty of said board of school inspectors, at the end of each month during the progress of the schools, to report to the mayor the number of children who have been in attendance during the month, the progress that has been made in the various schools, the failures on the part of any teacher to perform his or her duty and what action the board of school inspectors has taken on account thereof, and upon any and all matters relating to the progress and efficiency of the schools; which report shall be transmitted by the mayor, at the earliest time practicable, to the common council of the city. The common council of the city shall not have the power to employ or

dismiss any teacher or employe, or to exercise any control over the board of school inspectors, as to what particular teacher or teachers or employes they shall at any time employ or dismiss; and shall be limited in its power in this respect: to determine the amount of money to be expended for school purpose, which shall not in any year exceed the amount that may be realized by a levy of two and one-half (2½) mills upon the dollar upon the assessed valuation of all taxable property in said school district, and in said city of St. Paul, in addition to all other funds derived from other sources and applicable to purposes of education within said city.

SEC. 8. All supplies for the board of inspectors shall be purchased by a committee, consisting of the mayor of the city of St. Paul, the president of the common council of said city and the city treasurer. A statement of the amount of supplies required for the ensuing year shall be made by the board of inspectors on or before the first (1st) day of July in each and every year, which statement shall be signed by said school inspectors and delivered to the mayor of the city of St. Paul; and the said mayor, president of the council and city treasurer shall thereupon advertise for proposals for furnishing said supplies, specifying what supplies are required and the time and place when and where sealed proposals for furnishing the same will be opened. Said advertisement shall be published for two (2) weeks successively in one (1) or more newspapers published in the city of St. Paul, and specify the time and place when and where said sealed bids or proposals will be opened.

At such time and place said officers shall attend and publicly open the proposals received for furnishing said supplies, and shall award the contract for furnishing the same to the lowest responsible bidder therefor, and enter into a contract with him for furnishing said supplies. Said supplies shall be delivered to the said board of school inspectors at such time and place and school buildings in said city as may be from time to time required by said board. But nothing in this act shall be construed to extend to material to be used in the erection and construction of school buildings or in the repair of school buildings.

All public school buildings, all real estate and all property of every name and nature heretofore acquired by the board of education, either as individuals or corporations, by and through the use of funds acquired by the sale of bonds, certificates [or] of other securities, for the payment of which the faith and credit of the city of St. Paul or said board of education is pledged, shall be and hereby is transferred to and vested in the city of St. Paul, to have and to hold for the sole and exclusive use, and for the support and maintenance of all free, common and public schools therein, forever; and the foregoing provisions shall extend to the high school building in said city and the lands and property connected therewith.

SEC. 9. The city of St. Paul is hereby charged with the payment of all the bonds heretofore issued by the board of education of said city, [as] and well as all legal outstanding and floating liabilities, and is hereby required to make provision for the payment of the same from time to time, as they shall become due and payable, out of the city treasury, in the same manner as other city indebtedness is paid.

SEC. 10. An act to amend and consolidate the several acts relating to the board of education of the city of St. Paul, approved February

twenty-sixth (26th), A. D. one thousand eight hundred and eighty-seven (1887), and the act to amend sections four (4), nine (9), ten (10) and eighteen (18) of an act entitled "An act to amend and consolidate the several acts relating to the board of education of the city of St. Paul," approved February twenty-first (21st), one thousand eight hundred and eighty-nine (1889), are hereby repealed, save that all powers heretofore vested in the board of education are continued in force until the first (1st) Monday in June, one thousand eight hundred and ninety-one (1891); *And provided further*, that the said board of education shall have no power, after the passage of this act, to purchase real estate for school sites, to contract for the erection of school buildings or the purchase of school supplies, or to pledge the faith and credit of the city of St. Paul to the payment of any debts on any account whatever, except for the monthly compensation of school teachers and employes employed in said district and the current expenses incurred for full care and protection of the school buildings and school property, and then only to the extent and in the manner herein authorized.

SEC. 11. On the second (2d) Monday of each and every month the treasurer and comptroller of the city of St. Paul shall report in detail to the secretary of said board of inspectors, which report shall be laid before said board at their next meeting, the amount of all public funds in the treasury of said city belonging to and set apart for educational purposes, and to what particular fund or account the same is credited.

SEC. 12. That no member, officer or employe of said board of inspectors and no officer of said city of St. Paul, while acting as such, shall, directly or indirectly, be a party to, or interested or concerned in, any contract or job with said board of inspectors or the city of St. Paul, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing of supplies, fuel or or transaction prohibited as aforesaid shall be void, and all moneys or other articles purchasable for the use of said board; and any contract which may be paid thereon by said board of inspectors or the city of St. Paul may be recovered back, and such officer shall be deemed guilty of malfeasance in the office, and upon conviction thereof the office of any such member, officer or employe so offending shall thereby become vacant; and he shall be punished also by a fine not exceeding five hundred (500) dollars, or by imprisonment in the county jail of Ramsey county, Minnesota, not exceeding six (6) months.

SEC. 13. The president of said board of inspectors and each of said inspectors shall perform and comply with each and all of the provisions of that certain act of the legislature of the state of Minnesota, for the year one thousand eight hundred and ninety-one (1891), entitled "An act to amend the charter of the city of St. Paul, the same being an act entitled to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," which act was approved March fifteenth (15th), one thousand eight hundred and seventy-four (1874), and the acts amendatory thereof and supplemental thereto, so far as the same impose any duties or restrictions upon said president or any of said inspectors.

No general or special act hereafter enacted, except such as limit the authority to be exercised or the amounts to be expended by the

inspectors herein mentioned, shall be construed as repealing, amending, or to in any manner affect any of the provisions of this act, unless special reference is therein made in this act.

SEC. 14. Said city of St. Paul, as such separate and independent school district, is hereby authorized and empowered, through the treasurer of said city, to apply for and receive from the county treasurer, or such other officer as may have the same, any and all moneys appropriated and received for public schools within said district by reason of any general or special law of this state, and such county treasurer, or other officer or officers as may have such money, are hereby authorized and directed to pay the same to the city treasurer of the said city of St. Paul, who shall receive the same for the purposes herein provided.

SEC. 15. Any vote, act, neglect or omission by or on the part of any member of said board or any officer thereof, as in this act prescribed or prohibited, as the case may be, shall be *prima facie* evidence that the same was done with willful intent to evade the provisions of this act, and upon the prosecution of any person for the commission of any offence in this act defined, it shall not be necessary to prove the willful intent of the person offending; and upon such prosecution, when the wrongful vote or act or omission being shown, the willful intent shall be presumed until the contrary appears.

SEC. 16. Said board of school inspectors are authorized and empowered to make such provisions and rules concerning children properly enrolled upon the registers of the public schools within said district, who have become habitual truants, and who are between the ages of eight (8) and sixteen (16), as will reasonably tend to compel their attendance in such schools, provided such truant children have no lawful occupation or business and are growing up in ignorance, and said board of school inspectors may require, and it shall be the duty of the police of the city of St. Paul to assist in the enforcement of said rules and regulations.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

CHAPTER 37.

[H. F. No. 37.]

AN ACT TO LEGALIZE THE PLAT, AND THE APPRAISAL OF THE LOTS IN THE PLAT, KNOWN AS "D. W. INGERSOLL'S READJUSTMENT OF BLOCKS NUMBER ONE (1), TWO (2) AND SEVEN (7) OF D. W. INGERSOLL'S ADDITION TO ST. PAUL, MINNESOTA."

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

SECTION 1. That the plat known as "D. W. Ingersoll's readjustment of blocks numbers one (1), two (2) and seven (7) of D. W. Ingersoll's addition to St. Paul, Minnesota," and recorded in the office of the register of deeds within and for the county of Ramsey, in said