

rant or certificate be issued for a larger amount than is herein appropriated; nor for any amount without a detailed account, properly verified and a receipt in full for such account.

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

AMOS COGGSWELL,
Speaker of the House of Representatives.
IGNATIUS DONNELLY,
President of the Senate.

Approved March tenth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }
March 10th, 1860. }

ALEX. RAMSEY.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.

CHAPTER XLVI.

An Act to amend the Revised Statutes in relation to Common Schools.

- SECTION 1. When school district deemed organized. [Amendment to Sec. 3, Chap. 29, of Revised Statutes.]
2. To vote tax to lease or purchase site and build school houses. [Amendment to Sub. 5, Sec. 6, of Chap. 29.]
3. Taxes for school district purposes how levied and collected. [Amendment to Sec. 8, of Chap. 29.]
4. Payment of money on draft of trustees. [Amendment to Sub. 4, Sec. 10 of Chap. 29.]
5. Repeal of Sub. 5, Sec. 10, of Chap. 29.
6. Proceedings if district clerk refuse to pay money. [Amendment to Sec. 15 of Chap. 29.]
7. Chancellor of State University to be ex officio State Superintendent of Public Instruction. [Amendment to Sec. 1 of Art. 4 of Chap. 4 of Revised Statutes.]
8. Superintendent to prepare forms. [Amendment to Sec. 4 of Art. 4, of said Chap. 4.]
9. Additional Sections added to said Chapter twenty-nine :—

- SECTION 31. Town Superintendent—when chosen—term of office.
 22. Duty of Town Superintendent.
 23. Notice to be given of formation of new school districts.
 24. Qualified voters to be notified of district meeting.
 25. Provision if notice is not given, or voters refuse to assemble.
 26. Alteration in boundaries of school district.
 27. School districts how formed or altered in adjoining towns.
 28. Appeal from decision of district meeting or town superintendent, how made.
 29. Compensation of town superintendent.
 30. Repeal of acts inconsistent with provisions of this Acts.
 31. Act to take effect April 1st, 1860.

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

SECTION 1. Section three (3) of Chapter twenty-nine (29) of the Revised Statutes, is hereby amended by adding to the end thereof the following words:

School districts
when deemed or-
ganized

"Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve for the offices to which they have been respectively elected, and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of one year."

SEC. 2. Subdivision five (5), of Section six (6), of Chapter twenty-nine (29), is amended so as to read as follows:

Tax to lease or
purchase site and
build school house

"Fifth—To vote such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, and to build, hire or purchase such school-house and to keep in repair and furnish the same with necessary fuel and appendages; *Provided*, That no tax to be voted by a district meeting for building, hiring, or purchasing a school-house shall exceed the sum of three hundred (300) dollars unless the town supervisors of the town in which the school-house is to be situated shall certify in writing their opinion that a larger sum ought to be raised and shall specify the sum, in which case a sum not exceeding the sum specified may be raised; and in districts composed of parts of several towns, the certificates of a major part of the supervisors of said town shall be necessary for such purpose.

Sum not to ex-
ceed \$300

SEC. 3. Section eight (8) of said Chapter twenty-nine (29) is amended to read as follows:

Taxes how levied
and collected

SEC. 8. All district taxes levied or assessed in any one year shall be contained in one and the same tax list, and shall be assessed by the trustees upon all property in the district according to the valuation thereof, made for the last assessment of county taxes. The tax list shall contain the names of all taxable persons in the district, a description and valuation of

each parcel of land and the valuation of personal property to be taxed, and the amount of tax levied on the same; said list shall be prepared by the trustees who shall annex their warrant commanding the clerk to collect the several sums therein mentioned from the persons named, and to report the amount collected on or before a day mentioned therein to the trustees of said district: the district clerk shall receive the tax list prepared as herein provided and shall proceed to collect the same in the same manner, and with like power and authority to enforce the collection thereof, as is or may be conferred on the collectors of county taxes; he shall report the moneys collected as commanded in the warrants annexed to said lists, and shall return his delinquent list to the County Treasurer, making oath that he has not, after diligent inquiry, been able to find any goods or chattels belonging to the person liable to pay such taxes, whereon he could levy the same, and the County Treasurer on receiving such delinquent list shall proceed to enforce the collection of the same by sale of lands or otherwise as is or may be provided by law for the collection of delinquent taxes; *Provided*, That the clerk before proceeding to collect such tax shall execute a bond with one or more sureties, to be approved by the trustees in twice the amount of the tax assessed, conditioned upon the faithful performance of his duties as collector and the proper payment of moneys collected; and that upon a vote of the district five per cent. may be added to the amount assessed, and retained by the clerk as compensation for his services in collecting the same."

Clerk to give bond

Sec. 4. Subdivision four (4) of Section ten (10) of said Chapter twenty-nine (29), is amended to read as follows:

Fourth—To pay out any moneys in his hands belonging to his district, on the proper draft of the trustees, or any two of them, such draft to state the service for which it is drawn, and the person performing such service."

Clerk to pay out money on draft of trustees

Sec. 5. Subdivision five (5) of said Section ten (10), as amended by laws of eighteen hundred and fifty-four, page fifty-nine, is hereby repealed.

Sec. 6. Section fifteen (15) of said Chapter twenty-nine (29), is amended to read as follows:

Sec. 15. If any district clerk shall refuse or neglect to pay over any moneys in his hands, on the proper draft of the trustees, it shall be the duty of such trustees to prosecute without delay his official bond for the recovery of the same.

Clerk refusing to pay money trustees may prosecute

Sec. 7. Section one (1) of Article four (4) of Chapter four (4), of the Revised Statutes, is amended to read as follows:

Sec. 1. The chancellor of the University of the State of Minnesota, shall be *ex officio* State Superintendent of Public Instruction, and as such officer it shall be his duty to submit each year to the Legislature a report containing—

Chancellor of University *ex officio* Superintendent of Public Instruction

First—An abstract of all the common school reports received by him from the several County Auditors, and showing the number of organized school districts in the State, the enumeration of youth reported, and the average number taught in the district schools.

Duties of Superintendent

Second—A statement of the condition of the common schools in the State.

Third—The amount of school moneys expended during the year, also the amount of other moneys expended for support of common schools.

Fourth—All matters relating to his office—the common schools of the State, and the school fund—that he may deem expedient to communicate.

Fifth—Whenever any amendment shall be made to the provisions of this Act, it shall be the duty of the State Superintendent to furnish a copy of such amendment to every school district in the State.

SEC. 8. Section four (4), of said Chapter four (4), Article four (4), is amended to read as follows:

Superintendent to prepare forms

SEC. 4. It shall be the duty of the State Superintendent to prepare for the use of school officers, suitable forms for making reports and conducting all necessary proceedings, and to distribute the same among the several town superintendents.

SEC. 9. The following new Sections are hereby added to Chapter twenty-nine:

Town Superintendent when chosen—term of office

SEC. 21. There shall be chosen at the annual town meeting of the several towns of this State a Town Superintendent of Common Schools who shall hold his office for the term of one year, and until his successor is elected and qualified.

SEC. 22. It shall be the duty of the Town Superintendent in each town—

First—To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

Second—To define the boundaries of such districts, and keep a record of the same in his office, also to report the same to the County Auditor, who shall designate the districts by numbers, and keep a record and plot of the same in his office.

Duty of town superintendent

Third—To examine all persons offering themselves as candidates for teachers of common schools in his town, in regard to their learning and ability to teach schools; if the examination be satisfactory, and if he is satisfied that the applicant is of good moral character, he shall deliver to such applicant a certificate that the owner thereof is qualified in the branches therein named, which certificate shall be in force for one year from the date thereof, unless annulled within that time; and no person shall be deemed a qualified teacher within the meaning of this Act, who has not such a certificate in force, or a certificate from the Chairman and Secretary of

the State Normal School of this State, which certificate shall be general; a certificate granted by any Town Superintendent provided in this Section, shall not be deemed a legal qualification of a teacher within the meaning of this Act, in joint school districts, except in cases when the school-house is situated in the town for which the Superintendent granting the certificate was chosen, and any teacher who commences teaching such school without such a certificate, shall forfeit all claim to compensation for the time during which he teaches without such certificate.

Fourth—To visit all the common schools of his town twice during each term, and at such visitation he may examine into the state and condition of such schools, and give his advice to the Board of Directors and the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

SEC. 23. Whenever a school district shall be formed in any town, it shall be the duty of the Town Superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant.

Notice to be given
of formation of
school district

SEC. 24. The Town Superintendent shall in such notice direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor, and it shall be the duty of such inhabitant to notify the voters of such district agreeably to the requirements of said notice, and endorse thereon a return containing the names of persons by him notified, and said notice and return shall be recorded as a part of the record of the first meeting in such district.

Voters to be notified
of time and
place of holding
meeting

SEC. 25. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble or form a district meeting when so notified, or in case any school district having been formed and organized, shall afterward be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the Town Superintendent, and served in the manner prescribed in the preceding Section.

Provision if notice
be not given
or voters refuse
to assemble

SEC. 26. Whenever the Town Superintendent shall contemplate an alteration in the boundaries of a school district, he shall give at least five days' notice, in writing, to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the trustees of such district. In hearing and deciding upon the alteration of a school district, the trustees of the district or districts to be affected by such alteration, may

Alteration of
school districts
how made

apply to the Chairman of the Town Board of Supervisors and Town Clerk to be associated with the Town Superintendent, and a majority of the Board so constituted shall be necessary to make any change in the boundaries of a school district and their action shall be final, unless duly appealed from.

Concurrent action requisite to alter district in two or more towns SEC. 27. School districts may be formed or altered in two or more adjoining towns, by the concurrent action of the Superintendents of the several towns, but when such several towns are in different counties, the proper reports shall be made to the Auditors of the different counties.

Persons aggrieved may appeal SEC. 28. Any person conceiving himself aggrieved in consequence of any decision made by any school district meeting, or by the Town Superintendent in altering, or forming, or refusing to form or alter any such school district, or concerning any other matters under the provisions of this Act, may appeal in writing to the State Superintendent, who is hereby authorized and required to examine and decide the same and such decision shall be final and conclusive; *Provided however*, That the decision appealed from, shall be operative until the State Superintendent reverse the same.

Compensation of town superintendent SEC. 29. The Town Superintendent shall receive such compensation as shall be allowed by the Town Supervisors, not exceeding the *per diem* of other town officers.

Statutes repealed SEC. 30. So much of Section one (1) of Chapter twenty-nine (29) of the Revised Statutes, as relates to the organization of school districts, also Sections three (3) and four (4) of said Chapter twenty-nine (29), are hereby repealed.

SEC. 31. This Act shall take effect and be in force from and after the first day of April, eighteen hundred and sixty.

AMOS COGGSWELL,

Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved March tenth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }
March 10th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.