

whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be—that he believes the signature of such person subscribed thereto, to be genuine; and that the deed is executed and acknowledged according to the laws of such State, territory or district.

SEC. 2. That this act take effect and be in force from and after the first day of April, one thousand eight hundred and sixty-one.

Approved March 6th, A. D. 1861.

CHAPTER XI.

An Act to Provide for a General System of Common Schools, the Officers thereof and their Respective Powers and Duties.

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

SECTION 1. That each and every township that now is, or may hereafter be organized in any county in this State, is hereby declared to be a school district, and as such to be a body politic and corporate, by the name and style of _____ school district in the county of _____, and by such name may contract and be contracted with, sue and be sued in any of the courts of this State having competent jurisdiction.

Each township a school district—each school district a body corporate

SEC. 2. Each and every such school district shall hold in the name of its trustees and their successors in office,

To hold property for the district the title of all lands and other property now held or which may hereafter be acquired for school district purposes in any such town, excepting corporate cities and towns which are made bodies corporate by and under chartered privileges granted by any special act of the Legislature of this State, in which case the title of all such property shall be held in the corporate name of such town or city for the use of common schools therein.

Titles to property adjusted SEC. 3. In all cases where the title to lands and other property held for school district purposes, is vested in any other person or corporation than as provided in section two of this Act, it shall be the duty of the trustees of the district in which such property is situated, to procure the title to such lands or other property to be vested as provided in section two of this Act.

Sub-districts how formed SEC. 4. The several districts shall be sub-divided by the trustees into sub-districts, which shall be numbered in a regular series, from number one upwards, and their descriptions and boundaries clearly given and well defined, a record of which, and of all alterations made therein from time to time, shall be made in the office of the clerk of the town, who shall deliver a copy thereof to the district superintendent, and another copy to the county auditor, and each sub-district shall be a body politic and corporate by the name of the number of said sub-district, and by such name may contract and be contracted with, sue and be sued, in any of the courts of this State having competent jurisdiction.

What to constitute sub-districts SEC. 5. The several school districts heretofore organized in any county of this State, shall be the sub-districts of the several towns in which they are situated, and may be altered by the board of trustees as hereinafter provided. Sub-districts constituted of parts of two or more districts, shall be sub-districts of the district in which the school house is situated, or in which the public school shall be taught, subject to alteration by the concurrent action of the trustees of the several districts interested, and shall be numbered, described and bounded, as provided in section four of this Act.

SEC. 6. The boards of supervisors of the several towns in this State, shall make the sub-division and affix the numbers as contemplated in section four of this Act, at their meeting on the last Tuesday of March, one thousand eight hundred and sixty-one, and shall embrace in

the same all the territory in their several towns, adopting as far as practicable the bounds of the existing school districts; *Provided, however,* That in any organized county or counties not divided into towns, the county commissioners shall have power to divide such county into school districts, and in such case the said commissioners shall appoint three qualified electors residing in such district to act as trustees of the same, and the said commissioners shall also appoint a clerk and treasurer for such district, and the said officers so appointed, shall forthwith proceed to perform the same duties, and they shall be subject to the same regulations and penalties, as is provided in this Act, for the supervisors, town clerks, and treasurer of towns, as *ex-officio* trustees, clerk and treasurer of school districts.

Formation of
sub-districts—
time when

SEC. 7. When any seven or more resident freeholders interested in the formation or alteration of any sub-district, shall in writing, petition the trustees of the district to be affected thereby, to form or alter any sub-district within their jurisdiction, they shall consider such petition, and they shall appoint a time and place, when and where they will meet to make such formation or alteration, and at least ten days before such meeting, shall post notices thereof clearly setting forth the bounds of the sub-district to be formed, or alteration to be made, in five of the most public places in each district interested, and deliver a copy thereof to one of the directors of each sub-district interested, and all persons interested may appear and contest such formation or alteration. If a majority of the trustees from each of the districts interested, shall at such meeting think such formation or alteration should be made, they shall make it and not otherwise.

Formation or al-
teration of sub-
districts

SEC. 8. Formations and alterations of sub-districts shall be made by an order in writing, clearly setting forth the bounds of the sub-district formed or alteration made thereby, shall be signed by the trustees and attested by the clerk of the district or districts making the same, who shall attach to the same a copy of the notice of the meeting at which it was made, with the certificate of the district clerk who posted the notice, showing the time when and the place where such notice was posted, all which shall be filed and recorded in the offices of the several districts interested, and a certified copy of the order delivered by the clerk to the district superintendent and another to the county auditor.

Formations to be
in writing

Town Clerk clerk
of district—Town
Treasurer treas-
urer of district

SEC. 9. The supervisors of each and every town that is now or may hereafter be organized in any county of this State, shall be *ex-officio* a board of trustees of the school district; the clerk of the town shall be *ex-officio* clerk of the district, and the treasurer of the town shall be *ex-officio* treasurer of the district.

Two a quorum

SEC. 10. The board of trustees, any two of whom shall be a quorum, shall be the legal agents of the district, and as such may, in behalf of the district, contract and be contracted with in their name of office, as provided in this act, may sue and be sued, plead and be impleaded in any of the courts of this State having competent jurisdiction. They shall have and exercise the general care and supervision of the educational matters of their respective districts, and may receive any gift, grant, donation or devise made to them for the use and benefit of any school or school district within their jurisdiction.

Trustees to levy
taxes

SEC. 11. The board of trustees shall levy all taxes directed to be levied by the vote of the district or any sub-district, according to the provisions of this act, for the support of schools in such district, or for the purchase or lease of lands for a school house site, or for the construction or repairs of any school house, or for furnishing any library apparatus or furniture for the use of schools. They are invested in their corporate capacity with the title of all school houses, school house sites, school libraries, apparatus and other property which may be acquired by sub-school districts which may be organized or constituted within the limits of their jurisdiction, subject, however, to the provisions of this act; and all conveyances of such property shall be made to the trustees and their successors in office, for the benefit of the sub-district in which such property is situated.

Regular meetings
—time when

SEC. 12. It shall be the duty of the board of trustees in each school district to hold regular meetings at the office of the town clerk on the last Tuesday in March and October of each year, for the transaction of any business imposed upon them by the provisions of this act, with powers to adjourn from time to time, and to hold special meetings at any other times or places within their proper district, as they may think desirable for the transaction of business as aforesaid; at all such meetings the chairman of the board of supervisors shall be chairman of the board of trustees, and the town clerk shall act as their

clerk, and in the absence of either or both of said officers, the members of the board present at any meeting shall appoint from their number such officer or officers *pro tem*.

SEC. 13. It shall be the duty of the trustees of every school district, to call special meetings of the district whenever they shall deem it necessary and proper. To make out a tax list of every district or sub-district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant, set opposite his name. To annex to such tax list a warrant directed to the treasurer of the district, for the collection of the same. To sub-divide their respective districts into sub-districts, and alter the same from time to time, as provided in this act, and to do everything necessary to carry out the provisions of this Act, not made the duty of any other officer.

SEC. 14. It shall be the duty of the trustees at their meeting on the last Tuesday of March in each year, *First*,—to make a settlement with the treasurer of the district, and having ascertained the balance between him and the district, shall certify the same on the treasurer's book. *Second*,—to prepare a statement of their doings as trustees within the past year, showing the amount of money received by the treasurer for school purposes within the year, and the amount by them expended, and for what purposes, together with all existing contracts and liabilities. *Third*,—to ascertain by estimate, or otherwise, the amount of public money probably available for school expenses during the coming year, and the amount over and above such public money necessary for the support of schools within such coming year, and submit such statement and estimates to the ensuing town meeting.

SEC. 15. The trustees shall employ teachers and provide fuel for schools in each sub-district in the town for the same length of time in each sub-district, and for corresponding terms, as nearly as may be, which shall not be less than three months in each year.

SEC. 16. All contracts with teachers shall be in writing, signed by the chairman of the Trustees and by the teacher, and no contract shall bind the district to the payment of the wages of any teacher which is not in writing, and signed by the teacher holding at the time of signing such contract, a certificate of examination and

Call special
meetings—make
tax list

Settle with treas-
urer—estimate
school expenses

Employment of
teachers—provis-
ion for fuel

Contracts—how
made

valid license to teach a common school, signed by the superintendent of schools for the town in which the school is situated.

Manner of paying teachers

SEC. 17. The board of trustees shall pay the wages of teachers hired by them, and other school expenses, out of the school moneys belonging to the district, by their order upon the treasurer, signed by the chairman and attested by the clerk, and every such order shall state the service or consideration for which it is drawn, and the person or persons rendering such service or consideration.

No public money to be paid unlicensed teachers

SEC. 18. No public money shall be paid for the support of any school, the teacher of which is not, during the time of teaching, licensed by the superintendent of the district in which such school is taught; and no board of trustees shall contract for the support of schools to extend more than four months after the expiration of their term of office.

To appoint District Superintendent

SEC. 19. The board of trustees in each district shall within eighteen days after their election, and at any other time in case of vacancy, appoint a superintendent of schools in the district for the current year, and until a successor is appointed and qualified, and shall give him notice thereof within three days.

Superintendent to file acceptance

SEC. 20. The district superintendent of common schools shall within eight days after notice of his appointment, file in the office of the clerk of the district, his oath that he will faithfully discharge the duties of his office according to law and the best of his ability, and a neglect to file such oath shall be deemed a refusal to serve.

Duties of Superintendent

SEC. 21. It shall be the duty of the district superintendent to attend on the last Saturday of April and October in each year, at the place of holding the last annual town meeting, from the hour of ten o'clock A. M., until four o'clock P. M. of such days, for the public examination of all persons offering themselves for examination as teachers, and may on application and at the cost of the applicant, examine teachers at any other time and place.

SEC. 22. It shall be the duty of the district superintendent to examine teachers touching their moral character, learning and ability to teach reading, writing, English grammar, including orthography, arithmetic, ge-

ography, history and such other branches as may from time to time be prescribed by the State Normal Board of Instruction, and to such as upon examination shall appear to be well qualified in all those respects, he shall grant his certificate of such examination and license to teach any common school in the district for one year, and during any school term commenced within such year unless revoked as hereinafter provided.

SEC. 23. The district superintendent may cite to re-examination any person holding a license and under a contract to teach any common school in the district, and being satisfied upon such re-examination or otherwise that such person is not of good moral character or has not sufficient learning and ability to teach a common school, or if such person shall refuse or neglect to attend upon such re-examination the superintendent shall revoke the license held by such person, filing in the office of the district clerk a statement, that he has made such revocation, and shall deliver a copy thereof to the person whose license is revoked, and another to one of the trustees of the district, and such revocation shall take effect and be in force from and after the filing of such statement as aforesaid, and the teacher's contract with the district shall become void therefrom, *Provided, however,* That the wages of the teacher for the time taught and at the contract price or rate shall be paid on or before the time at which it would have been due had the contract been continued in force.

SEC. 24. The district superintendent shall visit each school in the district, spending therein at least one day within each school term. At such visitations he shall examine into the condition of such schools in respect to government, management, methods of teaching, the progress made by the scholars, and the text books used, and when necessary direct the school exercises, introduce methods of management and instruction, and direct the classification of scholars.

SEC. 25. The district superintendent shall be entitled to receive for each examination of a teacher examined by him at any time other than the regular times prescribed for public examination, except for re-examinations, the sum of fifty cents to be paid by the teacher in advance, and for all other services rendered by him, he shall

receive the same per diem compensation as township officers are entitled to.

Superintendent's book SEC. 26. The district superintendent shall keep in a book to be furnished by the State Superintendent and to be delivered to his successor in office, a record of business done by him, showing the name of each person examined by him, the date of granting or revoking any license and the name of the teacher whose license is granted or revoked, and shall make such reports as the State Superintendent may require of him from time to time.

Annual meeting SEC. 27. The legal voters of any school district in annual town meeting assembled, shall consider the statement and estimate herein provided to be submitted to them by the trustees of the district and may by their vote direct the trustees to levy a tax upon the taxable property in the district, for the amount recommended to be raised for the support of schools, or they may by their vote at such time increase or diminish the time proposed for the school terms in the year, and estimate and direct the levy of a tax as aforesaid, sufficient, with the available public school money of the district to support such schools. *Provided*, That there shall be provided by the trustees in each year, at least three months' school in each sub-district, and the amount necessary to defray the expenses of schools for that time over and above the public money shall be levied upon the taxable property of the district by the trustees, *Provided*, That no property in this State shall be assessed for more than five mills on the dollar for any one year, for school purposes, nor for more than ten mills on the dollar, for the purpose of building school houses.

Special meeting SEC. 28. Special meetings may be held in any school district; but notices of each special meeting shall specify the business proposed to be transacted at any such meeting, and shall be given in the manner prescribed for special meetings of the town, and no business shall be transacted at any special meeting which is not clearly specified in the notice for such meeting.

Duties of clerk SEC. 29. The district clerk shall keep a record of all the business transactions of the district, and of the board of trustees. He shall make the enumeration of all persons between the ages of five and twenty one years, residing in the district on the first day of October in each year. He shall make, under oath, and return to the

county auditor, on or before the first day of November in each year, a report in such form as shall be directed by the State Superintendent, showing, *First*,—the number of months schools have been taught by licensed teachers in the several sub-districts in the town, the wages paid to each teacher, the amount of public money expended for the support of schools, the amount so expended, raised by tax, and the whole amount of taxes levied in the district for the support of schools. *Second*, The number of persons between the ages of five and twenty-one years, residing in the district on the first day of October, of each year, including in such enumeration, all of each joint sub-district, the school house of which is situated in his district, and omitting all of any joint sub-district the school house of which is situated in another district. *Provided, however*, That all returns of enumerations, or other reports touching joint sub-districts constituted of parts of two or more counties, upon which any apportionment of money is to be based, shall be made by the clerk of the district in which the school house is situated, in separate reports to the auditor of each of such counties, embracing in the report to the auditor of each county, the enumeration and report touching that portion of each joint sub-district situated in such county, and that the money apportioned to such enumeration and report shall be paid to the treasurer of the district in which the school house of such joint sub-district is situated.

Duties of clerk

SEC. 30. The treasurer of the town shall be *ex-officio* treasurer of the school district. He shall within ten days after his election, and before he enters upon the duties of his office as treasurer of the district execute to the trustees thereof, and their successors in office, a bond with one or more sureties, in not less than double the amount of school money, to be received by him as a district treasurer, to be approved by the chairman, and file the same with his oath, that he will faithfully discharge the duties of his office, in the office of the district clerk within said ten days.

Duties of Treasurer—to give bond

SEC. 31. If the trustees shall at any time think the treasurer's bond insufficient, they shall require such treasurer to furnish such other or further bonds as will be sufficient, to be approved and filed as above directed, and any neglect to file bonds as herein provided shall vacate the office.

Bond may be increased

To collect taxes SEC. 32. The district treasurer shall receive and recover from his predecessor in office, and all other persons, the public school money belonging to the district in their hands, and collect all taxes levied for school purposes by the vote of any district or sub-district therein, and make return of any delinquent tax list in his hands, to the auditor of the county in which the property is situated, upon which the taxes in such delinquent list were levied. And any money in his hands for any purpose connected with the support of schools, or for the purpose of furnishing school houses or sites, shall be kept distinct from all other funds, and shall not be paid out for any other purpose than that for which it was levied.

Mode of disbursement SEC. 33. The treasurer shall pay the money in his hands on the draft of the board of trustees, signed by the chairman, and attested by the clerk.

Keep book and take receipt—annual settlement SEC. 34. The district treasurer shall keep in a book an accurate account of all moneys received by him and all moneys paid out by him and the amount of all delinquent taxes returned by him to the county auditor. He shall take receipts for all moneys paid out by him, and present the same in settlement of his accounts with the board of trustees on the last Tuesday in March, of each year, and shall file the same in the office of the district clerk.

Treasurer's fees SEC. 35. The district treasurer shall be allowed to retain out of all money collected on tax lists by him, five per cent. as fees for collecting and disbursing the same, and out of all moneys received from the county treasurer, and paid out by him, one per cent. as his fees for receiving and paying out the same.

Deliver books etc. to successor SEC. 36. The district treasurer shall deliver over to his successor in office all moneys, books, papers, tax lists and other property in his hands belonging to the district or to any sub-district therein, and in case any treasurer shall neglect or refuse to deliver such books, papers, tax lists and other property, or to pay over any money in his hands to his successor in office, or to the proper order of the trustees as provided in this act, the trustees of the district may sue in their name of office, and shall be entitled to recover the same with interest and costs.

SEC. 37. All district taxes levied or assessed in any one year for the support of common schools in the district, shall be contained in one and the same tax list, and

assessed by the trustees upon all the taxable 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, and have annexed thereto the warrant of the trustees of the district, commanding the treasurer to collect the several sums therein mentioned from the persons therein named, and to report the amount collected on or before a day mentioned therein to the clerk of the district. Mode of levying

SEC. 38. The treasurer shall receive the tax list prepared as herein provided, and shall proceed to collect the same in the same manner and with the 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 warrant annexed to said list, and shall return his delinquent list to the auditor of the county in which is situated the property upon which the taxes in such delinquent list were levied, making oath that he had not, after the most diligent search and 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 auditor shall give a receipt for the taxes due on said list to the treasurer which shall be credited to said Treasurer on his settlement with the trustees. Return delinquent list to County Auditor

SEC. 39. The county auditor, on receiving such delinquent list, shall enter the same in a separate column on the tax roll next made by him, and 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 county taxes. Procedure with delinquent list

SEC. 40. The county auditor shall receive all reports of the school districts in the county which may be returned to him, enter the same in the books of his office, and annually on or before the first day of December make and transmit to the State Superintendent an abstract of all the reports so received by him on or before the first day of November next previous. He shall also receive from the State Superintendent and forward to the several district and school officers such blanks, reports and circulars as shall be forwarded to him for that purpose. To receive reports—transmit abstracts—time when—distribute blanks and circulars

The county auditor shall also keep with each school district and sub-district an accurate account of all moneys received or due to each of said districts, the amount of each delinquent tax list returned to him and the amounts collected thereon from time to time and all such matters as may be necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any or all books in the office of county treasurer or any other county officer.

Apportionment
of school money

SEC. 41. It shall be the duty of the county auditor on the last Wednesday of March and on the last Wednesday in October of each year, to make apportionments of the money in the county treasury for the support of schools among the several school districts in the county in which, as shown by their reports, there has been taught in each district for three months the preceding year, or for three months subsequent to the last apportionment, a common school, by a teacher licensed as provided in section number twenty-two of this Act, which shall be in proportion to the number of persons in the district between the ages of five and twenty-one, as shown by their several reports, and transmit a copy thereof to the clerk of each school district.

To pay money on
order of auditor
—approval of
bond

SEC. 42. The county treasurer shall pay over upon the order of the county auditor to the treasurer of any school district, any money in his hands belonging to such school district or any sub-district therein, by any apportionment or by collection of any delinquent taxes; *Provided, however,* That the county treasurer shall pay no school moneys to any district treasurer until such district treasurer shall have filed in the office of the county treasurer notice from the clerk of his district that such treasurer has filed in the office of the district clerk, his official oath and bond, approved as provided in section number thirty of this Act. *And, Provided further,* That any and all moneys now in the county treasury and already apportioned to existing school districts of the county, and the moneys collected and which may be collected upon the delinquent list of any tax levied heretofore by any school district of the county, or may be hereafter levied by any sub-district constituted in pursuance of the provisions of this Act, shall be paid to the proper district treasurer for the use and to the credit of the several districts and sub-districts upon which the taxes so

collected were levied, to be by them applied to the indebtedness of such districts, or to such other purpose as it was or may be legitimately applied by such district or sub-district.

SEC. 43. It is hereby made the duty of every teacher before commencing to teach a common school, to procure from the clerk of the district in which he shall teach, a school register, and therein keep a true record of the daily attendance of each scholar who may attend such school while under the instruction of such teacher, in accordance with the form prescribed in such register; and at the close of the school shall enter in said register correct answers to all statistical inquiries therein addressed to teachers, to the best of their ability, and return such register to the district clerk previous to the receipt of wages as such teacher.

To procure register—
from whom

SEC. 44. There shall be held in each sub-district an annual meeting on the last Saturday of September for the election of officers thereof and the transaction of business, and the officers then chosen shall hold their offices for one year and until their successors are elected and qualified. But for the first election of officers for sub-districts, a meeting shall be held on the last Saturday of April, eighteen hundred and sixty-one, at six o'clock, P. M., at the school house in each sub-district, if there be one; if not, at such place as shall be designated by the district clerk of the existing districts who shall post written notices of such meetings in five or more of the most [public] places in such sub-district at least six days before such meeting, and notices of such meetings in new sub-districts shall be given in the same manner by the town clerk at such place in such sub-districts as he shall designate.

Annual meeting
—first election—
time when

SEC. 45. Special meetings of the sub-districts may be called by the directors or any two of them when they shall think proper, and shall be called when requested in writing, by any five freeholders of the sub-district, copies of the notices for which, signed by the clerk or the directors or persons making the request, shall be posted as prescribed in the preceding section, and shall clearly set forth all the business proposed to be transacted at such meeting, and no business not specified in such notice shall be transacted at any special meeting.

Special sub-district meetings

SEC. 46. Notices for annual meetings shall be posted

Notice of annual meetings in the time and manner prescribed in section forty-four by the clerk of the sub-district, and in case of his absence or neglect, by one of the directors thereof but no annual meeting shall be deemed irregular by neglect to post such notices, and no tax shall be levied by the vote of any sub-district meeting unless notices of the meeting shall have been posted as prescribed by this Act setting forth the design to vote a tax at such meeting and the purpose for which the tax is proposed to be levied.

Affidavit of posting of notice SEC. 47. Before any vote shall be taken directing a tax to be levied upon any sub-district, proof of the posting of such notice shall be made by affidavit, some competent person cognizant of the fact, stating the time when, and the place where copies of such notices were published, which affidavit shall be filed in the office of the clerk of the district within ten days and recorded.

Qualifications SEC. 48. The qualification of voters at sub-district meetings shall be those prescribed by article seven of the constitution of the State of Minnesota.

Powers of annual sub-district meetings SEC. 49. The legal voters in any sub-district, or any portion of them, not less than five in number, when lawfully assembled in any annual sub-district meeting, shall have power by a majority of the votes of those present,

First.—To appoint a moderator.

Second.—To adjourn from time to time.

Third.—To choose a sub-district clerk and three directors, whose term of office shall continue until the next annual meeting and until their successors are elected and qualified.

Fourth.—To designate a site for a school house.

Fifth.—To vote a tax on the taxable property of the sub-district, 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 furniture and appendages; *Provided*, That no tax shall be voted by a sub-district in any one year for building, hiring or purchasing a school house that shall exceed the sum of three hundred dollars, unless the trustees of the district 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 that sum.

Sixth.—To repeal or modify their proceedings from time to time as occasion may require.

Seventh.—To levy an additional tax on the sub-district

not exceeding twenty dollars in any one year for the purchase or increase of a sub-district library, globes, maps, or apparatus as the interest and well being of the school may require. The selection of the books for the school library shall be directed by the voters of the sub-district.

Eighth.—To appoint a librarian who shall have the care and custody of the library under such regulations as the voters may adopt.

SEC. 50. It shall be the duty of the clerk of each sub-district to record in a book to be provided by the directors, all the proceedings of the sub-district at annual and special meetings, and business transacted by the directors. To post notices of all annual meetings and special meetings on request of the directors or any five freeholders of the sub-district.

To furnish record book—post notices

SEC. 51. The board of directors, two of whom shall be a quorum, shall have the local care and custody of the school house, furniture, apparatus, and other property of the sub-district, and shall contract for and superintend the erection, alteration or repairs of school houses and other structures for the use of the sub-district, and shall purchase or lease any school house site or other property for the use of schools in the sub-district in pursuance of the vote of any legal meeting of such sub-district. They shall provide for the clerk a suitable book in which they shall cause to be kept an accurate account of all their doings, and of all contracts and moneys belonging to the sub-district paid thereon or otherwise expended by them, and for the payment of all moneys directed to be paid by them they shall draw their order upon the treasurer of the district, which being countersigned by the chairman of the trustees and attested by the clerk of the district, shall be paid by the treasurer out of any moneys in his hands belonging to such sub-district.

Care of school house—draw orders on treasurer

SEC. 52. It shall be the duty of the officers of the sub-districts to visit the schools from time to time and report to the trustees or superintendent any matter in relation thereto which they may think advisable or necessary for the benefit of the same.

To visit schools—file oath of office

They shall each file in the office of the clerk of the district within six days after their election an oath that they will faithfully discharge the duties of their office according to the best of their ability, a refusal to do which shall be deemed a refusal to serve.

Voters to decide

SEC. 53. The legal voters of any sub-district may by resolution of two-thirds of the number present at any annual or special meeting, decide that a school may be taught only in the summer term or only in the winter term, and when any sub-district shall have so decided, the clerk of such sub-district shall within ten days file in the office of the district clerk a copy of such resolution and another in the office of the district superintendent.

To assign scholars in schools

SEC. 54. The district superintendent shall within ten days after filing such resolution assign the scholars of such sub-district for school attendance and tuition during the term so vacated to other sub-districts in the district as he may think best calculated to accommodate the attendance upon schools and the classification of scholars, and may by concurrence of the superintendent of an adjoining district assign scholars to attendance at schools in such adjoining district, and he shall deliver a statement thereof to the clerk of each sub-district interested, showing lists of the scholars assigned to each sub-district and the term during which they are so assigned.

Privileges of scholars

SEC. 55. The scholars so assigned shall be entitled to and enjoy during the term of assignment, the same rights and privileges of school as resident scholars, and in all cases of such attendance by assignment or otherwise shall be subject to the same rules and regulations.

May be dismissed to other schools—grounds for expulsion

SEC. 56. Any person or persons aggrieved by the attendance of any scholar or scholars at the school in the sub-district may complain to the district superintendent who shall make inquiry and consider the complaint, and shall direct the attendance of such scholars at the same or some other common school in the district as he may think best calculated to promote the welfare of schools and the several parties interested; *Provided, however,* That the superintendent may on such application or otherwise, expel from the school during the current term any scholar for gross immorality, profanity, infectious disease or habitual uncleanness.

Appeals—decision final

SEC. 57. Any person feeling aggrieved by the action of any district or sub-district meeting or of the trustees in altering or forming, or refusing to alter or form any sub-district or concerning any other matters, or any act or determination or neglect of any district superintendent 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 shall reverse the same.

SEC. 58. For the purpose of maintaining common schools, it shall be the duty of the commissioners of each county to levy an annual tax of one-fourth of one per cent. on the amount of the assessments made by the assessors for the same year, and to include the same in their warrant to the county treasurer, and the county treasurer shall proceed to collect the said tax in the same manner the county tax is collected, and the said moneys so collected shall be retained by the county treasurer, for the support of common schools in the county, to be apportioned as provided in this Act. As a further provision for the support of such schools, there shall be set apart by the county treasurer of each county the proceeds of all fines for the breach of any penal laws of this State not otherwise appropriated by law.

SEC. 59. All lands and other property now held or which may be acquired by school districts or sub-districts for common school purposes shall be exempt from all taxes and assessments of every name and nature while held according to the provisions of this Act for such purposes.

SEC. 60. Nothing in this Act changing the title, condition or relation of existing school districts or school district property, shall be construed to affect or prejudice any right of such district to enforce by law against the proper parties thereto any contract, obligation or right now existing or which may exist at the time this act shall take effect, nor to affect or prejudice any right of any party who may hold any contract, obligation or right or lien upon any such district or the property thereof.

SEC. 61. The State Normal Board of Instruction is hereby directed to select and prepare a list of spellers, readers, grammars, geographies, arithmetics, histories, and other books, to be used in the common schools of this State, limiting the number of text books in each of said branches. Such selection shall be made at their next meeting and inserted by the State Superintendent in the blank school registers provided for by this Act, and shall be authoritative and binding upon said board, superintendents and teachers for the period of five years.

Report to Auditor—to draw public money

SEC. 62. Each of the incorporated towns and cities in this State, having by their several charters a common school system not incompatible with this Act, which shall by some proper officer in behalf of their several cities and towns, make to the auditor of the proper county, the report of enumeration and other matter by this Act made necessary to be reported, and shall have had within the past year at least three months schools by licensed teachers in the several sub-divisions of such cities and towns, shall be deemed to have complied with the requirements of this Act, and shall be entitled to their apportionment of public moneys to be reported and drawn substantially as provided in this Act.

Report to State Superintendent

SEC. 63. That incorporated boards of Education, of towns and cities, and the trustees of all incorporated academies, colleges and other literary institutions, shall, on or before the first day of December, annually, report to the Superintendent of Public Instruction, the name of each trustee, treasurer, and other officer and student, with a statement, its indebtedness, and such other information as may tend to exhibit its condition and operations.

How elected—term of office—vacancy—how filled

SEC. 64. The Legislature of the State of Minnesota, in joint convention of the Senate and House of Representatives, shall at some time during the present session, and every two years thereafter, elect a State Superintendent of Public Instruction, whose term of office shall commence on the first day of March next succeeding his election, and continue two years, and until his successor is elected and qualified. *Provided*, That the term of office of the person elected at the present session shall commence on the fifteenth day of March, A. D. one thousand eight hundred and sixty-one, and expire on the first day of March, A. D. one thousand eight hundred and sixty-three. And in case a vacancy shall ever happen in the office of State Superintendent of Public Instruction, by death, resignation or otherwise, the Governor shall fill the same, by appointment, for the unexpired term.

Oath of office—annual report

SEC. 65. The Superintendent of Public Instruction shall file in the office of the Secretary of State, his oath that he will support the Constitution of the United States and of the State of Minnesota, and discharge the duties of his office faithfully and to the best of his ability, and it shall be his duty to submit each year to the legislature, a report containing,

First—An abstract of all the common school reports received by him from the several towns, and showing the number of organized sub-school districts in the State, the number of schools taught, the enumeration of persons reported in the State between the ages of five and twenty-one years, and the number taught in the district schools.

Second—A statement of the condition of common schools, and other institutions of learning in the State.

Third—The amount of school moneys expended during the year, also the amount of other moneys expended for the 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—It shall be the duty of the State Superintendent to spend annually, on an average, at least six days in each judicial district of the State, superintending and encouraging teachers' institutes, counselling teachers and other school officers, visiting schools, and delivering lectures on topics calculated to subserve the interests of popular education.

SEC. 66. It shall be the duty of the State Superintendent to prepare for the use of school officers and teachers, suitable forms for making reports, and conducting all necessary proceedings, and to distribute the same among the school officers of the State, and he is authorized to procure from the State Printer, proper school registers and forms at an expense not greater than at present allowed for other printing of the State, and on the presentation of proper vouchers, the auditor shall issue warrants for the amount contracted to be paid for such printing.

Prepare forms—
school registers

SEC. 67. The State Superintendent shall be allowed as compensation for his services a salary of one thousand dollars per annum, and a contingent fund of three hundred dollars per annum, said salary to begin to run from the first of January, one thousand eight hundred and sixty-one.

Salary

SEC. 68. All acts and parts of acts, relating to common schools, and the Superintendent of Public Instruction, and all acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 69. This Act shall take effect immediately.

Approved March 7th, A. D. 1861.