

street sewer, under the same regulations; restrictions and law as now provided for the construction of sewers.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 1, 1876.

CHAPTER LXXXVII.

AN ACT TO REDUCE THE LAW RELATIVE TO PUBLIC SCHOOLS IN THE CITY OF SAINT PAUL, INTO ONE ACT AND TO AMEND THE SAME.

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

SECTION 1. That the city of Saint Paul, shall be considered as one school district, and all schools organized therein in pursuance of this act, shall, under the direction and regulation of the board of education as hereinafter established, be public and free to children residing within the limits thereof, between the ages of five and twenty-one years inclusive, subject to such rules and limitations as the said board may establish.

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

SEC. 3. That at the annual election of the officers, which election shall be held on the first Tuesday in May, 1877, there shall be elected one school inspector in each district, which shall be the same and conform to the aldermanic districts of said city of St. Paul, and each of said school inspectors to be hereafter elected shall be a qualified elector and actual resident of the ward and district for which he may be elected, and shall continue to reside in such district during the time, he shall serve as such school inspector; [that] the persons so elected, at

said election to be held on the first Tuesday in May, A. D. 1877, for said school inspector, district numbered by odd numbers, shall hold their offices for one year from the time of such election and until their successors are elected and qualified, and that the persons so elected school inspector for said school district numbered by even numbers, shall hold their respective offices for two years from the time of election, and until their respective successors are elected and qualified, and that annually thereafter there shall be elected six school inspectors, [one for each district to succeed the school inspectors] whose term of office are then about to expire, who shall hold their offices for two years and until their successors are elected and qualified. That on the first day of June, 1876, the term of office of the school inspectors from each of the wards whose term otherwise would expire on the first day of January, 1877, shall cease, terminate and end, and from that date the number of school inspectors shall consist of one from each district, to be elected in districts as aldermen are elected. No school inspector shall be entitled to receive any compensation for his services.

SEC. 4. Each school inspector must be a resident of the ward for which he shall have been elected, and non-residence of any school inspector in the ward for which such school inspector has been heretofore, or may be hereafter elected, shall vacate his office and disqualify him from acting, in case of a vacancy in the office of school inspector, by non-residence in or removal from the ward for which he has been or may be elected, or from any other cause, a suitable person shall be elected by the electors of the proper district for the unexpired term of such school inspector whose office has become vacant, at the next annual election after such vacancy, or in case sufficient time shall not intervene to give the required notice of such election, then at the next annual election succeeding the next annual election aforesaid; and until such person is elected and qualified, the board of education shall fill said vacancy by appointment, and shall also fill all other vacancies not herein otherwise provided for; *Provided*, That in all cases of election of school inspectors by the people, the city clerk of the city of Saint Paul shall give notice of such election, as in the case of elective officers of said city. Every school inspector (unless otherwise provided for,) shall hold office during his term of office as herein prescribed, and until his successor is elected and qualified, and the term of office of each school inspector hereafter elected shall commence on the first day of June next succeeding his election.

SEC. 5. It shall be the duty of the board of education to meet on the last week day in May in each year, and close up as far as practicable all old or unfinished business belonging to the said board, to audit all proper bills and order the same paid, and to do all such other business as may properly appertain to said board. *Provided*, That at such meeting no new business whatsoever shall be transacted, and that at said meeting no person whatsoever shall be nominated, chosen or elected to fill any vacancy in the board.

SEC. 6. Every person who shall hereafter be elected to fill the office of school inspector of said city, shall, before he enters upon the duties of his office, take and subscribe an oath, to the effect that he will support the constitution of the United States, and of the state of Minnesota, and faithfully discharge the duties of his office; and file the same

with the secretary of said board of education, and in case any person so elected to said office shall omit to take and subscribe such oath for the period of twenty days after the commencement of his term of office, the said board may declare his office vacant. *Provided always*, That if it shall appear to the said board, that the person so elected was prevented by absence from the city, illness, or the failure to receive proper official notice of his election, from taking and subscribing his official oath within the time and in the manner herein prescribed, he shall, notwithstanding such omission, on taking and subscribing such oath, be entitled to his seat in said board.

SEC. 7. The school inspectors aforesaid shall constitute and be a corporation as heretofore existing, and hereby continued by the name of "The board of education of the city of Saint Paul," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying or selling and conveying real and personal property, as the interest of said public schools may require, and as said board may deem expedient, and may adopt a seal, and shall have charge of the public schools and educational interest of the state within the limits of said city of Saint Paul.

SEC. 8. The board of education, a majority of the members elect of which shall form a quorum, may meet from time to time at the city hall of said city, or at such place in said city as they may designate.

SEC. 9. The board of education shall have full power and authority, and it shall be their duty to purchase, lease or erect such school houses as may be necessary, to keep the same in repair, and provide for the payment of such buildings or repairs, and apply for and receive from the county treasurer or other officers all moneys appropriated for the public schools, and designate a place where the library shall be kept; the said board shall have full power and authority to make by-laws and ordinances relative to the preparing of the enrollment of all scholars between the ages of five and twenty-one years, and enrolled in said public schools, the making all necessary reports, and transmitting the same to the proper officers, as designated by law, so that the said city may be entitled to its proportion of the public school fund; relative to the employment and examination of teachers, their powers and duties; relative to visitation of schools; relative to the length of time schools are to be kept, which shall not be less than three months in each year; relative to the regulations of schools, and the books to be used therein; relative to the appointment of necessary teachers, janitors and other employees, and may prescribe their powers and duties; relative to any and everything whatever that may advance the interests of education, the good government and prosperity of the public schools in said city, and the welfare of the public concerning the same.

SEC. 10. The board of education shall also, whenever in their judgment additional means may be necessary for the support of public schools in the city of Saint Paul, or for the purpose of paying the interest on any bonds now (made by said board of education), on or before the first day of June of each year, present to the common council of the city a statement of the amount of money beyond that in their treasury needed for such purposes, and said common council shall levy a tax sufficient for such purposes, on all real and personal property within said city according to the city assessment roll, which shall be collected

in the same manner as the money to defray the general expenses of said city, and when collected shall be subject to the order of the said board of education. *Provided*, That the levy of such tax shall in no one year exceed the maximum of three mills on the dollar of the property in said assessment roll. *Provided, also*, That the board of education shall have no power or authority to increase the debt of the city or of said board of education, by the issue of bonds or otherwise.

SEC. 11. The said board of education shall meet, for the purpose of organizing and electing its officers, on the first Monday after the first day of July, of each year, and provided such organization shall not be completed at that time, it may be so completed at a future meeting, and immediately after their organization shall proceed to elect from their number, a president, vice president, secretary and treasurer; the president shall be the president of the said corporation, and shall preside at all meetings of said board, the vice president shall preside at all meetings of said board when the president shall be absent. The secretary shall keep a true record of the proceedings of the said board; he shall see that the enumeration of scholars as required by this act, and by the general laws of the state, is properly taken and duly returned to the proper state officer, and perform all such other duties as said board may require of him by its by-laws or otherwise, he shall be entitled to receive a salary for his services of not more than five hundred dollars per annum. The treasurer shall give bonds with sufficient sureties, to the acceptance of the board, in an amount to be fixed by said board. The president and other officers provided for by this act, may in case any of said offices are vacant, be elected as soon after this act shall take effect as said board may deem expedient, and shall in such case, and in all cases, unless otherwise provided, hold their office respectively until their successors shall be elected as hereinbefore provided; *Provided, always*, That in no case shall a person hold his office after his term of inspector shall have expired, and his successor shall have been elected and qualified. In case of the absence of the president and vice president, the inspectors present at any meeting may select one of their number, president *pro tempore*, who shall act as president aforesaid during the absence of the president and vice president. The said board shall have power to appoint a superintendent, and such other school officer or officers, teacher or teachers, as said board may deem expedient, and to fix the term of office of such school officer or teacher, and their compensation or salary, if any, and the said board shall have power to dismiss, or dispense with the services of any teacher or other employee, and also to abolish any office created by said board aforesaid. *Provided*, That the term of any such officer created by the board aforesaid shall not continue longer than one year, except as may in this act be provided.

SEC. 12. The board shall annually furnish to the common council of Saint Paul, a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued in them, and the expenditures for all things authorized by the act during the preceding year. *Provided, also*, That the secretary shall make monthly reports, addressed to the president of the common council, of the receipts and expenditures and the amount of money on hand belonging to said board of education.

SEC. 13. It shall be the duty of the said board of education at its meeting, on the first Monday in July next after the passing of this act, to elect a properly qualified person to fill the office of superintendent of schools, whose term office shall continue for two years; but the person so elected can at any time, by a vote of two-thirds of all the board of education, be removed from his office on ten days' notice, for cause, and it shall be lawful for the said board to fix the salary of the person so elected to the office of superintendent. In the event of any vacancy in the office of superintendent, the said board shall elect a properly qualified person, who shall hold his office for the unexpired term of his predecessor. *Provided*, That the salary of said superintendent shall not exceed two thousand dollars per annum, *And provided, further*, That no minister of any religious denomination (in charge of a congregation) shall hold the office of superintendent of the public schools of said city.

SEC. 14. All school moneys collected by any collector or other officer of the city of Saint Paul, or the county treasurer or any officer of the county of Ramsey, shall be paid by such collector or officer to the treasurer of said board, who shall give him a receipt therefor, signed by himself and the secretary.

SEC. 15. No school inspector shall directly or indirectly be a party to, or interested or concerned in, any contract or job with the said board of education, or in any work, merchandise, or in the supplying of any books of supplies done or furnished for the use of said board of education, or of the public schools of the city of Saint Paul, and any contract or transaction prohibited aforesaid shall be void, and all moneys which may be paid thereon by said board, may be recovered back, and the office of any such school inspector so offending shall become thereby vacant.

SEC. 16. The said board of education shall be the judge of the qualifications of its members, and shall have power, by a vote of two-thirds of the members of the board to declare the seat of any school inspector vacant, for a violation of any of the provisions of this act, or in case of non-residence of any school inspector in the ward for which he was elected, or for other good sufficient cause, on fifteen days' notice and hearing, all such vacancies shall be filled as hereinbefore provided.

SEC. 17. No state, county or city officer, or member of the common council, receiving a salary for his services, or other officer of the city of Saint Paul shall be a member of the board of education, except as follows, viz: "The office of notary public shall be no disqualification. *Provided further*, That this act provision of this section shall not apply to any person holding office at the time of the passage of this act, until the expiration of his present term of service as such.

SEC. 18. All printing required to be done for the board of education, shall be done by the official printer of the city of Saint Paul.

SEC. 19. The expenses of the schools, and the time of their continuance shall be limited to the amount of the appropriations made therefor; and no deficiency shall be created to be made up by the following year's taxation; and no change in the school books shall be made, except by a vote of three-fourths of all the members of said board elect. *Provided always*, That nothing herein contained shall be so construed as to prohibit the board from borrowing money to meet the

current expenses of the year, but all money so borrowed, if any, must be repaid out of the appropriations made for such year, as the same shall from time to time be collected, and shall not exceed the amount of said appropriation.

SEC. 20. And the interest and principal of all school bonds, notes, obligations, debts, liquidated accounts, or demands now due or owing and growing out of the school system of the city of Saint Paul, shall be payable, and paid by and through the treasury of the board of education of the city of Saint Paul, after the same shall have been duly examined and audited by the said board of education of the city of Saint Paul, and the faith and credit of the city of Saint Paul is hereby irrevocably pledged for the payment of the principal and interest of such notes, bonds and obligations aforesaid. No part of the real or personal property, held for school purposes shall be subject to execution or sale, for any debt or liability against the said school board, or school corporation, or for any liability due by the city of Saint Paul, but the same exemption from execution and sale, as is now provided by the charter of the city of Saint Paul, shall apply to all the school property, real, personal and mixed, and all liens heretofore created, either express or implied; on any of the school property, on account of school bonds now issued, shall remain inviolate, and shall be kept, held and enforced.

SEC. 21. All parts of acts so far as they relate to the city of Saint Paul, inconsistent with this act, are hereby repealed, and the general laws of the state, so far as the same require the election of district school trustees, shall not apply to the said city of Saint Paul; but no such repeal shall supercede any inspector heretofore elected, resident of the ward for which he has been elected, except as provided in this act, or other officers of said board heretofore elected or appointed, or affect any contracts, bonds, actions, proceedings made, issued or had by the said board.

SEC. 22. No purchase of supplies shall be made except upon the requisition of the superintendent, and approval of the committee on supplies, nor shall any payment be made or order issued therefor, upon any debt, demand or liability of said board or for the payment of teachers, until such claim, account, demand, or liability shall have been allowed and entered upon the journal of said board and an order authorized to issue therefor.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 1, 1876.