

CHAPTER 157.

AN ACT RELATING TO THE GOVERNMENT OF FREE SCHOOLS IN
THE CITY OF MINNEAPOLIS.

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

SECTION 1. That the city of Minneapolis, in the county of Hennepin, shall, on and after the first Tuesday of April, A. D. one thousand eight hundred and seventy-eight, (1878,) constitute in law but one school district; and the board of education of the East Division of Minneapolis, is hereby united and consolidated with the board of education of the West Division of Minneapolis; such union to take effect on the day above named, and such united boards shall thereupon constitute and become one corporation under the name of "The Board of Education of the City of Minneapolis," and shall have a common seal, and be capable of suing and being sued, and of taking by gift, grant, purchase, devise or bequest or otherwise any real and personal property, and of using, selling, conveying, controlling and enjoying the same, and of entering into, making, performing and enforcing contracts. It shall be the successor in law of the boards of education of the East and West Divisions of Minneapolis, and shall succeed to all the property, rights, and liabilities of every kind of said two boards. It shall have the entire control and management of all common schools within the city of Minneapolis, and the title, ownership and control of all houses, buildings, lands, and appurtenances and other property provided for common school purposes, or heretofore owned by either of said two boards. It shall be entitled to demand, have and receive all moneys which have accrued or shall accrue to either of said districts, or to said united district for school purposes under any law of this State, or otherwise, and may appropriate and use such moneys for the support and maintenance of schools within such district as such board may deem best. It may also hire or erect and maintain, as it shall deem best, school houses and school rooms, but it shall never erect any building upon land to which it has not the title in fee simple. It may employ superintendents and teachers, and make rules and regulations for the government of schools, and for the employment and examination of teachers, and prescribing their powers and duties; and prescribing the description, grading and classification of scholars, and their management and the course of instruction, and books to be used, and all other matters pertaining to the government and welfare of schools; except that no instruction nor exercise of a religious character, shall be introduced nor permitted in any school. It may also make by-laws, rules and regulations [for its own government.

SEC. 2. The board of education of the city of Minneapolis shall consist of seven (7) school directors. At the annual city election to be holden on the first (1st) Tuesday of April, A. D. one thousand eight hundred and seventy-eight (1878) there shall be elected three (3) school directors for the term of three (3) years, two (2) school directors for the term of two (2) years and two (2) school directors for the term of one (1) year, and thereafter there shall every year be elected two (2) school directors for the term of three (3) years, and every third (3d) year an additional school director (making three (3),) shall be elected for the like term. In case any school director shall die, resign, remove from the district or otherwise vacate his office, more than one (1) year before the expiration of his term of office, a school director may be chosen at the next annual election after such vacancy shall occur to fill the place for the unexpired term of the director so vacating.

SEC. 3. All elections for school directors shall be at the annual city election, and as a part of such city election; and such school directors shall be voted for upon a separate ballot, and a separate ballot box shall be provided at each precinct, which shall be kept by the judges to receive the ballots of such persons as are entitled to vote for such school director.

Whenever school directors are voted for to serve for different terms, the ballots used shall designate the term for which the person named is voted for. The judges of election shall make returns of the votes cast for school directors, and the city council shall canvass the same as in the case of city officers and the city clerk shall forthwith notify the persons elected of their elections, and in all matters not herein especially provided for touching such election, the rules provided for the election of city officers of said city shall apply.

SEC. 4. Every school director, before he shall enter upon the duties of his office, shall take, subscribe and file in the office of the city clerk of said city, an oath or affirmation that he will support the constitution and laws of the State of Minnesota, and discharge the duties of his office to the best of his ability. The meetings of said board of education shall be held at such times and places as shall be appointed by the board. Its officers shall consist of a president, a secretary and a treasurer, the two first of whom shall be school directors, but the treasurer may be any resident and legal voter of said city whom the board may appoint. The secretary and treasurer shall each, before entering upon his duties, execute and deliver to the board of education a good and sufficient bond, payable to the board of education of the city of Minneapolis in such sum as shall be fixed upon by the board, and with sureties who shall be freeholders of said city, and shall be approved by said board and who shall justify in the aggregate to double the amount of the bond, conditioned that the principal in the bond shall well and faithfully perform and discharge all the duties of his office and pay and turn over to his successor or to whomsoever the board may direct, all moneys and every valuable thing that shall

come into his hands by virtue of his office. Such bonds shall be filed for safe keeping with the comptroller of the city of Minneapolis.

SEC. 5. The president, or in his absence a president *pro tempore* shall preside at all meetings of the board, and sign all orders on the treasury for all moneys voted to be paid by the treasurer, and shall perform all duties necessary for the transaction of the business of the board, and which is usually performed by the president of a corporation.

The secretary, or in his absence a secretary *pro tempore* shall keep a full and fair record of the proceedings of the board at its meetings, and shall draw and attest or countersign all orders drawn upon the treasury, and shall keep a full and clear record of all such orders, showing the number and date and name of payee of each order separately, and the purpose for which the payment was made; and he shall take receipts for all orders before delivery thereof. All such orders shall be made payable to the order of the payee named therein, and shall not be paid by the treasurer without the endorsement of such payee personally or by his authorized agent or attorney. The secretary shall perform such other duties as are usually performed by such officer, or as may be directed by the board, and shall draw no orders on the treasury except such as have been ordered by the board by a majority vote of all its members, taken by ayes and nays and entered in the record of the proceedings of the board.

The treasurer shall receive and safely keep all moneys of the board and pay the same only upon orders signed by the president, and attested or countersigned by the secretary, or in payment of outstanding matured bonds or coupons of said board, or of either of the boards which are united by section one (1) of this act, or of any predecessor of either of such boards. He shall also safely keep all other property or papers which may come or be placed in his hands belonging to said board, and perform such other duties as the board may prescribe.

SEC. 6. The regular meetings of the board shall be fixed by its rules and by-laws. Special meetings may be called by the president or any two school directors, by written notice, stating the time, place and object of the meeting, to be served personally or at the place of abode of the other directors, at least twenty-four (24) hours before such meeting. But whenever all the directors shall be present at any meeting, the meeting shall be a legal meeting, at which any business which could come before a regular meeting may be transacted, irrespective of whether there was any notice given for such meeting or not.

SEC. 7. Said board of education is hereby authorized and empowered to levy upon the taxable property in said city, in each and every year such taxes as will raise sufficient sums of money for all school purposes of every character, including the purchase of sites and building and repair of school buildings and expenses incident to the maintenance thereof, and as will also provide for the prompt payment of all indebtedness of said district; *Provided, That the*

aggregate annual amount of such taxes shall never exceed in any year fifteen (15) mills on the dollar upon the assessed valuation of said district. The board shall make return of its annual levy of taxes, on or before the first (1st) day of September of every year to the county auditor of the county of Hennepin; and such taxes shall be collected, and the payment thereof enforced with and in like manner as state and county taxes are collected, and the payment thereof enforced, and when collected, shall, together with all costs, interest and penalties collected thereon, be paid over by the county treasurer to the treasurer of said board, as often as said county treasurer is required to make settlements with the city treasurer of the city of Minneapolis.

SEC. 8. The school directors who shall be elected at the annual city election to be held on the first Tuesday of April A. D. one thousand eight hundred and seventy-eight (1878), shall meet at the office of the city clerk of said city of Minneapolis on Thursday the eleventh (11) day of April A. D. one thousand eight hundred and seventy-eight (1878), at ten o'clock in the forenoon, and may then and there effect a temporary organization, and may then proceed to elect permanent officers for the year, and to the transaction of any business, or may adjourn to any other time and place to complete the permanent organization of the board. The annual meeting of the board for the election of its officers for the year shall always be on the second Tuesday after the annual city election at such hour and place as the board may by its rules appoint for its regular meetings. But vacancies may be filled whenever they shall happen during the year, and officers shall hold until their successors are elected and qualified, unless they cease to be eligible.

SEC. 9. The board may purchase real estate for school purposes whenever six school directors shall vote to make such purchase, and the board may also sell and convey any of its real estate, but only when five of the school directors authorized to be elected shall vote to make such sale. In the case of sale of real estate of the board the deed of conveyance thereof may be executed by the president and secretary, officially having the seal of the board affixed thereto; all votes under this section shall be by ayes and nays and recorded in the record of the proceedings of the board.

SEC. 10. The secretary of said board is hereby forbidden from countersigning or issuing any orders upon the treasurer of said board except when there is money in the hands of the treasurer to pay the same. The said board shall never issue any bond nor promissory note, certificate of indebtedness, or other obligation for the payment of money, except that if prior to the first day of September, A. D. one thousand eight hundred and seventy-eight (1878), the said board shall find that it has not funds enough to run the schools of said district until the first day of April A. D. one thousand eight hundred and seventy-nine (1879), the said board may issue its bonds not to exceed in amount ten thousand dollars bearing interest not exceeding eight per cent. semi annual.

ly; the principal payable in one year from the date of such issue, the proceeds to be applied solely to the payment of teachers and expense of schools in said district. And said board may also issue new bonds similar to the bonds last above described, but payable not more than five years from the date of their issue to provide means to pay such bonds as are now outstanding and which will mature prior to the first day of January, A. D. one thousand eight hundred and sevnty-nine (1879).

SEC. 11. After the passage of this act, the boards of education of the East and West division of Minneapolis shall continue in existence, until the first Tuesday of April, A. D. one thousand eight hundred and seventy-eight (1878), and no longer, but neither of them shall, in the meantime, enter into any new contract which is not to be fully performed before the date last above mentioned; and it shall be the duty of the secretaries of each of the said two boards, to attend at the office of the city clerk of said city, on the 11th day of April, one thousand eight hundred and seventy-eight (1878), named at 10 o'clock in the forenoon; and surrender and deliver over to the school directors, elected under the provisions of this act, all books, records, vouchers, papers and property in their custody, belonging to their respective boards. And as soon thereafter as the new board of school directors shall organize and elect a treasurer, and said treasurer shall qualify, it shall be the duty of the treasurers of said division boards, to pay over to the new treasurer all moneys in their hands, or for which they are responsible, as such treasurers, and all records, books, vouchers and property under their control of such treasurers, and any failure so to do, shall be held to be a breach of the official bond of such treasurer so failing; and such bonds may be prosecuted by the board of education of the city of Minneapolis, as may also any other right of action which, but for this act, might have accrued in favor of either of said former boards of education.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.