

CHAPTER XC.

AN ACT TO AMEND AN ACT ENTITLED 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 section one of said act be amended by striking out of line five thereof the word "five," and inserting, instead thereof, the word "six."

SEC. 2. That section nine of said act be amended by striking out of line nine thereof, the word "five," and inserting, instead thereof, the word "six."

SEC. 3. That section ten of said act be amended by adding to said section at the end thereof the words, "unless expressly authorized by law."

SEC. 4. That section eleven of said act be amended, by striking out of line two and three thereof, the words, "after the first day of July," and inserting, instead thereof, the words "in June."

Also by striking out the words "and treasurer" in line six of said section. Also by striking out the following clause in said section, viz.: "The treasurer shall give bonds with sufficient sureties to the acceptance of the board in an amount to be fixed by said board."

SEC. 5. That sections fourteen and eighteen of said act be and the same is hereby repealed.

SEC. 6. That section twenty-two of said act be amended by striking out of line two thereof the word "superintendent" and inserting instead thereof the word "secretary." Also, by adding after the word supplies, in line three of said section, the words, "and the committee on finance."

SEC. 7. That said act be further amended by adding thereto the following sections, viz:

Sec. 24. All school moneys, collected by any officer or officers of the city of Saint Paul, or of the county of Ramsey, or of the State of Minnesota, or which may be coming to or owing or due, or that may become due or owing to the board of education of the city of Saint Paul, shall be paid to the treasurer of the city of Saint Paul, who is hereby declared to be *ex officio* treasurer of the board of education of the city of Saint Paul, and who shall receive the same and keep a detailed and exact account thereof in such manner as to show, at all times the exact financial condition of said board. He shall pay the same out, from time to time, upon warrants signed by the president and secretary of the board of education and coun-

tersigned by the comptroller of the city of Saint Paul. He shall exhibit to the board of education, at their first meeting in July in each year, and as often as the said board may require, a full and detailed account of all moneys received and paid out since the date of the last annual report, or for any required payment.

Sec. 25. All the funds of the board of education of the city of Saint Paul shall be deposited daily by the treasurer of said board in one or more designated national banks, or state banks or private bank or banks, in the name of the said board of education of the city of Saint Paul, such bank or banks or bankers, shall be designated by the board of education in their discretion, after advertising in one or more daily newspapers published in the city of Saint Paul, for at least ten days for proposals, and receiving proposals stating what security would be given to said board for such funds so deposited, and what interest would be paid on daily balances of the amount so deposited, upon condition that said funds, with accrued interest, shall be held *subject to draft and payment at all times on demand; provided*, that the amount deposited in any bank or banking house shall not exceed the assessed capital stock of said banks or banking houses, as shall appear on the duplicate tax list.

Before any national, state or private bank or banker shall be designated as such depository, such bank or bankers shall deposit with such treasurer a bond payable to said board of education, and signed by not less than five freeholders of the city of St. Paul, as sureties, which bond shall be approved by said board of education, and shall be in such amount as said board shall direct, which amount shall be at least double the amount of funds to be deposited with said bank or bankers.

Whenever any portion of the funds of said board of education shall be deposited by the treasurer of said board in the manner provided in this act, such treasurer, and the sureties on his bond, shall be exempt from all liability thereon, by reason of the loss of any such deposited funds, from the failure, bankruptcy or any other act of such bank or banker at the time of such failure or bankruptcy. *Provided*, that if no bank or bankers shall be designated as aforesaid, the said city treasurer shall keep said funds, and be responsible therefor.

Sec. 26. The said treasurer shall give bond with two or more sureties, freeholders, to be approved by the board of education, and in such sum as they may direct, not exceeding the sum of fifty thousand dollars, payable to the state of Minnesota, conditioned that such treasurer shall faithfully execute the duties of his office as such treasurer of said board of education, and for the safe keeping and paying over, according to law, of all moneys which come into his hands belonging to said board of education, or under the provisions of this act, which bond shall be filed in the office of the secretary of said board, and shall be properly kept by him.

All claims against the board of education of the city of St. Paul, must be sworn to by the claimants, except the pay roll of the officers and employes of said board, which shall be certified to by the superintendent and secretary of said board, before the same are allowed

by the said board, and no claims shall be allowed unless authorized by a two-thirds vote of all the members elect, and the secretary of the said board shall officially specify upon each claim the vote by which the same was allowed, recording the claim and vote in a book entitled, "Record of Claims"; after which, all such claims so recorded shall be transmitted to the city comptroller of the city of Saint Paul, for auditing, and the said city comptroller, after having found the same to be correct and audited by him in a book entitled "Audited Claims", shall transmit all such claims to the secretary of the said board, who shall draw a warrant upon the treasurer of said board for each claim in favor of the party or parties entitled to receive such; and the said warrant shall be signed by the president and secretary of the said board of education, and countersigned by the comptroller of the city of Saint Paul, after which the said secretary shall deliver the said warrant to the party or parties entitled to receive such, taking a receipt therefor upon the stub of the book from which such warrant was taken. No warrant on the treasury shall be drawn or issued until there shall be funds sufficient to pay the same, together with the warrants that may be then outstanding; and the city comptroller is prohibited from countersigning any such warrant until there shall be sufficient funds in the treasury to meet such warrants which may then be outstanding; *provided*, that the prohibition shall not apply to any warrant to pay for fuel, printing, and stationery, and the salaries of teachers and all other employes of the board of education.

The board of education is prohibited from borrowing any money for any purpose whatever, other than for the purpose of paying the interest on the bonded debt, and to pay for fuel, printing and stationery, and the redemption of any notes or certificates of indebtedness that may be outstanding at the present time, together with the salaries of teachers and all other employes of the said board. But in no instance shall the said board be allowed to borrow money for any of the said purposes unless the funds in the treasury are so depleted as to warrant the same; furthermore, the said board shall not have the power, and is hereby prohibited from diverting for any purpose whatever any money that may be paid into the treasury from the collection of taxes, state school apportionment, or from all other sources of revenue other than for the purpose of paying the legitimate expenditures as required by the annual tax levy estimate to pay interest on the bonded debt, salary of teachers, fuel, printing and stationery, general expenses and bonds maturing, for which taxes are annually levied.

The funds for which a tax levy must be made, shall be as follows:

Interest and sinking fund.

Salary fund.

Fuel fund.

Printing and stationery fund.

General fund.

No certificate of indebtedness or note for money borrowed shall be issued unless authorized by a two-thirds vote of all the members elect of the board of education, and shall not draw a greater rate of interest than ten per cent. per annum, payable semi-annually. All

certificates or notes shall bear the official seal of the board of education and shall be signed by the president, secretary and treasurer of the said board and countersigned by the city comptroller of the city of Saint Paul, after which the said city comptroller shall deliver the said certificate of indebtedness, or notes, to the treasurer of the said board, taking his receipt therefore and charging him with the proceeds.

The city comptroller shall at all times have access to the report books, papers, vouchers and accounts of the treasurer of the board of education and shall adjust all accounts between the said treasurer and the said board, giving the said treasurer a receipt for all vouchers for all money legally disbursed. All such settlements, if correct, must be approved by the board of education, after which the committee on ways and means of said board in the presence of the treasurer of the said board and the city comptroller shall destroy all such vouchers so allowed and receipt to the city comptroller for the same.

The city comptroller shall keep regular books of accounts in which he shall enter all indebtedness of the said board of education. He shall countersign all bond warrants drawn on the treasury and other evidences of indebtedness of the said board, and shall keep an exact account thereof, stating to whom and for what purposes issued, and shall keep an account with the treasurer of said board, showing the amount received from all the different sources of revenue and the amount disbursed under the direction of the board of education. All contracts and leases shall be signed by the president and secretary of the board of education and countersigned by the city comptroller, after which the same shall be kept on file in the office of the said comptroller.

The proceedings of all regular and special meetings of said board shall have one publication in one daily paper of the city of Saint Paul to be selected by said board, and said publication, together with all additional job work and printing, shall be paid at a rate not exceeding the sum paid by the city of Saint Paul under the contract for city printing.

Any vote or act of any member of the board of education, or of the treasurer, secretary and all other officers of the said board, together with the city comptroller of the city of Saint Paul, made or done with the wilful intent to evade the provisions of this law or to divert the funds raised by taxation or otherwise to a specific purpose is hereby declared to be a misdemeanor, and upon conviction thereof, such officer shall be punished by a fine not exceeding five hundred dollars, and by imprisonment in the county jail of Ramsey county not exceeding six months.

Provided, the board of education may, by a two-thirds vote of all the members elect, divert money from any fund to the interest and sinking fund, whenever such interest and sinking fund requires it for the purpose of paying the interest on the bonded debt, and the redemption of bonds. It shall be the duty of the city comptroller to annually submit to the board of education at their first regular meeting in the month of August in each year, an itemized report of the financial condition of the said board. He shall make

a list of all outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they may respectively bear. The fiscal year of said board shall commence on the first day of June in each year and the said annual report of the city comptroller must have one publication in the official paper of said board.

SEC. 8. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the first day of July, A. D. one thousand eight hundred and seventy-nine.

Approved March 10, 1879.

CHAPTER XCI.

AN ACT TO AMEND SECTION FIFTY OF CHAPTER SEVEN, TITLE ONE OF AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT, AND TO AMEND THE SAME." APPROVED MARCH FIFTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

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

SECTION 1. That section fifty of chapter seven, title one of an act entitled "an act to reduce the law incorporating the city of St. Paul in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," approved March fifth, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Sec. 50. All deeds made to purchasers of lots and parcels of land sold for assessments, or the record thereof, shall in all cases be *prima facie* evidence that all requirements of the law, with respect to the sale, have been duly complied with, and of title in the grantee therein, after the time for redemption has expired; and no sale shall be set aside or held invalid unless the party objecting to the same shall prove either that the court rendering the judgment, pursuant to which the sale was made, had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this act was not given, or, that the piece or parcel of land was not