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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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Regents to report annually to the legislature.

versity in its several departments, the course of study, the number of professors and students, the amount of expenditures and such other information as they may deem proper, or may from time to time be required of them.

Meetings of the board.

SEC. 17. Meetings of the board may be called by any seven members thereof, at such time and place as they may deem expedient, and a majority of the said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Branches of the university may be established.

SEC. 18. The regents, if they shall deem it expedient, may receive into connection with the university, any college within the territory, upon application of the board of trustees; and such college so received, shall become a branch of the university, and be subject to the visitation of the regents.

Religious tenets not required.

SEC. 19. No religious tenets or opinions shall be required to entitle any person to be admitted as a student in said university; and no such tenets or opinions shall be required as a qualification for any professor, tutor or officer of said university.

Legislature may repeal this chapter.

SEC. 20. The legislative assembly may at any time, alter, amend, modify or repeal this chapter.

CHAPTER 29.

OF COMMON SCHOOLS.

SECTION

1. Duty of commissioners; to divide county into school districts, and levy tax.
2. Twenty-five per cent of moneys paid on licenses, &c. to be set apart for school purposes.
3. Clerk of the board of commissioners to give notice of the formation of school district in twenty days.
4. When clerk to issue a new notice.
5. Who may be allowed to vote in school district.
6. Powers of electors, when assembled.
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8. District taxes, how assessed; to be collected by the clerk; clerk to give bond.
9. Annual meeting to be held in each district; special meetings may be held; notices to be posted up.

SECTION

10. Duty of the clerk of school district.
11. Board of commissioners to apportion school money.
12. Duty of the trustees of school district.
13. Trustees to render their successors an account of all moneys received by them.
14. Moneys remaining on hand to be paid over to successors.
15. Where clerk fails to pay over money, trustees to bring suit against him.
16. When the apportionment of school money is insufficient to support school, balance how to be raised.
17. When clerk fails to make return of persons in school district, any inhabitant of the district may do so.

Duty of commissioners.

SEC. 1. That for the purpose of establishing and maintaining common schools, it shall be the duty of the commissioners of each county,

To divide county into school districts and levy tax.

1. To divide such portion of their county as shall be inhabited into convenient school districts, to define the boundaries, numbers, and file a copy of the same in the office of the clerk of the board of county commissioners, to lay an annual tax of one-fourth of one per cent. on the advalorum amount of the assessment rolls, made by the county assessors for the same year, and to include the same in their warrant to col-

lector; and the said collector shall proceed to collect the said tax in the same manner the county tax is collected, and the said moneys so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in manner hereinafter prescribed: *Provided*, That any school district upon petitioning to the county commissioners, by a majority of the legal voters thereof, may be altered and divided by the said commissioners, so as best to suit the convenience of the people of said district.

SEC. 2. For the better support of common schools and the general diffusion of education, there shall be set apart by the county treasurer, twenty-five per cent. of all moneys paid into the county treasury, arising from licenses for the sale of spirituous or other liquors, and the proceeds of all fines for a breach of any penal laws of this territory, not otherwise appropriated by law.

Twenty-five per cent of moneys paid county, &c., set apart for school purposes.

SEC. 3. Whenever any school district shall be formed by the county commissioners, it shall be the duty of the clerk of the board of county commissioners, within twenty days thereafter, to prepare a notice in writing of the establishment of such district, describing its boundaries and to deliver the same to some taxable inhabitant of such district, who shall have petitioned for the formation of the same, whose duty it shall be within two weeks after the receipt of such notice, to notify the other inhabitants of the district, of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted in three public places in the district, at least ten days previous to the time of meeting.

Clerk of the board of commissioners to give notice of the formation of school district in twenty days.

SEC. 4. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble at a district meeting, when so notified; or in case any district having been formed and organized in pursuance of such notice, shall afterwards be dissolved; such notice shall be renewed by the clerk of the board of county commissioners, upon the application being made to the said clerk by any taxable inhabitant of such district, and served in the manner above described.

When clerk is to issue a new notice.

SEC. 5. Every inhabitant over the age of twenty-one years, who shall have resided in any school district for three months immediately preceding any district meeting, and who shall have paid or shall be liable to pay any taxes, except road tax in said district, shall be allowed to vote at such meeting, and no other person shall vote at such meeting.

Who may be allowed to vote in school district.

SEC. 6. The inhabitants entitled to vote in such district, or any portion of them, not less than five in number, when lawfully assembled in any district, in any district meeting, shall have power by a majority of the votes of those present,

Powers of electors when assembled.

1. To appoint a moderator.
2. To adjourn from time to time as occasion may require.
3. To choose a district clerk and three trustees, whose term of office shall continue for one year, and until their successors are duly elected and qualified, and as often thereafter as such offices or either of them shall become vacant.
4. To designate a site for the district school house.
5. To levy such tax (not exceeding six hundred dollars in any one year) on the taxable property in the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire or purchase such school house, and keep in repair and furnish the same with necessary fuel and appendages.
6. To repeal, alter or modify their proceedings from time to time, as occasion may require.
7. To levy an additional tax on the district, not exceeding twenty dollars in any one year, for the purchase or increase of a district library, globes, maps, and such apparatus as the interest and well being of

the school shall require. The library shall consist of such books as the district meeting shall direct. The intention to propose such tax shall be stated in the notice required to call such meeting; to designate the number of months that a school shall be kept during the year.

And when said district is organized as above provided, it shall be to all intents and purposes, a body corporate; capable of suing and being sued, and fully competent to transact all business appertaining to schools, or school houses in their own district, according to the provisions of this chapter.

Librarian how chosen.

SEC. 7. The teacher of the district school, or such other person as the legal voters of the district may at their annual meeting designate or appoint, shall be librarian of the district, and shall have the care and custody of the library, under such regulations as the said voters may adopt.

District taxes how assessed.

SEC. 8. All district taxes shall be assessed by the trustees according to the valuation of property, made for the assessment of county taxes, and shall be collected by the clerk of the district, with an addition of five per cent. on the same, which he shall receive for his services; and the said clerk shall give bond to the trustees, which shall be approved by a majority of them, with one or more sureties conditioned for the faithful performance of his duties as collector; and that he will pay over to the trustees of the district, all moneys that may come into his hands: *Provided*, That any person aggrieved by an excessive assessment of the trustees of any school district, may have the same reduced by his own affidavit or any competent testimony.

To be collected by the clerk.

Clerk to give bond.

Annual meeting to be held in each district.

SEC. 9. In each school district, an annual meeting shall be held at the time and place previously appointed, and at each annual meeting, the time and place of holding the next annual meeting shall be fixed; special meetings may be held whenever called by the trustees or any two of them; and all notices of annual or special meetings, shall be in writing, signed by the trustees or clerk of the district, and shall state the object for which the meeting is called; and shall be posted up in three public places in the district, at least six days previous to the time of holding such meeting.

Special meeting may be held.

Notices to be posted up.

Duty of the clerk of school district.

SEC. 10. It shall be the duty of the clerk of each school district,

1. To record the proceedings of his district, in a book to be provided for that purpose by the district.
2. To give notice of annual or special meetings.
3. To procure a list of all persons in the district, between the ages of four and twenty-one years, and furnish a copy of such list, to the board of county commissioners at their annual meeting in January.
4. To pay over to the trustees of his district, or one of them, all moneys when collected, which he shall be required by warrant to collect within the time limited in such warrant for its return; and he shall have the same authority to enforce the collection of such tax, as the county collector.
5. To retain a copy of all reports made to the board of county commissioners, relating to the affairs of the district.

Board of commissioners to apportion school money.

SEC. 11. It shall be the duty of the county commissioners, at their annual meeting in January of each year, to make an apportionment of the school fund in the county treasury, among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four and under twenty-one years, and certify the amount due to the trustees of each district, which shall be subject to the drafts of said trustees, in favor of any person to whom such moneys may be due for services, as teacher or teachers of said district.

SEC. 12. It shall be the duty of the trustees of every school district,

Duty of the trustees of school district.

1. To call special meetings of the inhabitants of the district liable to pay taxes, whenever they shall deem it necessary and proper.

2. To make out a tax list of every 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.

3. To annex to such tax list, a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including five per cent. for the fees of said clerk.

4. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire, or purchase, keep in repair, and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to them for such purpose, and to have the custody and safe keeping of the district school house.

5. To examine as to their qualification, and to contract with and employ all teachers in the district: *Provided*, That no teacher shall be employed, who shall not be first examined and found qualified, in moral character and ability to teach a district school.

6. To pay the wages of such teachers out of the moneys in the county treasury belonging to their district by drafts in favor of such teachers.

SEC. 13. The trustees of each district, shall on the expiration of their term of office, render to their successors in office, and to the district at a district meeting, a just and true account in writing of all moneys received by them respectively, for the use of their district, and the manner in which the same shall have been expended, which account shall be delivered to the district clerk and be filed by him.

Trustees to render their successors an account of all moneys received by them.

SEC. 14. Any balance of moneys remaining in the hands of the trustees or either of them, at the time of rendering such account, shall immediately be paid over to one or more of their successors in office; and every trustee who shall refuse or neglect to render such account, or to pay over any balance remaining in his hands, shall for each offence, forfeit the sum of twenty-five dollars, which together with such balance in his hands may be sued for and collected by his successor in office.

Moneys remaining on hand to be paid over to successors.

SEC. 15. In case the clerk shall neglect or refuse to pay over to the trustees any moneys belonging to the district, the trustees of the district may sue in their name of office, and shall be entitled to recover the same with interest and costs.

Where clerk fails to pay over moneys, trustees to bring suit against him.

SEC. 16. Whenever the apportionment of the school fund in the county treasury shall be insufficient for the payment of the necessary expenses incurred in the maintenance of a school in any district, it shall be the duty of the trustees of the district to call a meeting by giving at least ten days previous notice thereof, for the purpose of levying the balance upon the taxable property of the district, or may levy a tax of fifty cents on each male inhabitant between the ages of twenty-one and fifty-five years, as a majority of the voters of the district then present shall determine, which tax so voted to be levied by such meeting, shall be assessed by the trustees and collected by the clerk, as hereinbefore provided for the collection of a district tax.

When the apportionment of school money is insufficient to support school, balance how to be raised.

SEC. 17. In case the clerk of any such school district, regularly organized agreeably to the provisions of this chapter, refuse or neglect to make a return to the board of county commissioners of a list of the persons in such districts, over the age of four and under the age of twenty-one years, or in case any district which shall have been established under the provisions of this chapter, shall neglect to organize according to law, then and in that case, it shall be lawful for any inhabitant of such district to make out and return under oath to the board of commission-

When clerk fails to make return of persons in school district, any inhabitant of the district may make it.

ers such list; and the commissioners shall take the same into consideration the same as though the district was regularly organized, and the amount due such district under the apportionment, shall be retained in the hands of the county treasurer until such district shall be legally organized.

CHAPTER 30.

OF THE PROTECTION OF HEDGES, FENCES, FRUIT AND ORNAMENTAL TREES, &c.

SECTION

- 1. The owner of land bordering on road may cultivate hedge or live fence, &c.
- 2. Penalty on person who shall injure hedge or fence, or let down bars.
- 3. Penalty for injuring fruit or ornamental trees, &c.

SECTION

- 4. Name of one joint tenant sufficient to be stated in complaint.
- 5. When and before whom prosecutions under this chapter to be brought, and fines, when paid.

The owner of land bordering on road may cultivate hedge or live fence.

SEC. 1. Whenever any owner, or owners, occupant, or occupants, of any land, or lands, bordering upon any public road, or highway, excepting a street, or alley, in a town, or village, through which any public road, or highway, may pass, may wish to plant and cultivate any hedge, or live fence, along the margin of his, her or their lands, it shall be lawful for any such person, or persons, to set, or plant, any such hedge, or live fence, precisely on the line of the road, or public highway, and also to place on the margin of such road, a protection fence, not to occupy more than six feet of the margin, or edge, of such road; and such protection fence, when placed opposite any live fence, or hedge, actually set, or planted, shall be permitted, by the supervisor of roads, and all other persons, to remain for the term of seven years: *Provided*, That the commissioners of any county may grant permission, in writing, to the owner, or owners, of any hedge, or live fence, to continue such protection fence any term of time they may deem necessary.

Penalty on person who shall injure hedge or fence, or let down bars.

SEC. 2. If any person, or persons, shall wantonly, or maliciously, cut through, dig up, or injure, any hedge, or live fence, or throw, cut, or lay down, or prostrate, any fence inclosing any orchard, pasture, meadow, garden, or other field, or inclosure, in which any grain, or other vegetables, are cultivated, the property of, or lawfully occupied by any other person, or persons, or shall wantonly, or maliciously, open, let down, throw down, or prostrate, any gate, or bars, belonging to any such inclosure, or field, and leave any such fence, bars, or gate, down, prostrate, or open; every such person, or persons, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

Penalty for injuring fruit or ornamental trees, &c.

SEC. 3. And if any person, or persons, shall wilfully, or maliciously, and without lawful authority, cut down, root up, sever, injure, or destroy, any fruit or ornamental trees, cultivated root, or plant, or other