

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

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OF THE ST. PAUL BAR.

SECOND EDITION.

ST. PAUL:

PUBLISHED BY THE AUTHOR.

1891.

CHAPTER 36.

EDUCATION.

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Acts 1873, ch. '1, § 125, repealed and superseded G. S. ch. 36, and acts 1866, ch. 36; 1867, chs. 1, 2, 3, 4, 7; 1868, chs. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 1869, chs. 1, 2, 3, 4, 5, 6; 1870, chs. 1, 2, 3, 4, 5, 6; 1871, chs. 1, 2, 3, 4, 5, 6, 7, 8; 1872, chs. 2, 3, 4, 6, 7, 9. These include all the amendments to ch. 36 prior to acts 1873, ch. 1. Acts 1873, ch. 2, repealed and superseded G. S. ch. 37, "State Normal Schools," and acts 1867, ch. 6; 1868, ch. 3; 1872, ch. 5. Acts 1874, ch. 14; 1875, ch. 24, were amendatory of ch. 2, acts 1873, and acts 1874, chs. 23, 78; 1875, chs. 20, 21, 22, 23; 1876, chs. 13, 15, 16, 17, 21, amended ch. 1, acts 1873.

Acts 1875, ch. 25, amended § 35 of G. S., notwithstanding that section had been repealed.

Acts 1877, ch. 74, the basis of this chapter, did not expressly repeal acts 1873, chs. 1, 2, and amendatory acts, but superseded them, and also superseded acts 1875, ch. 25, and all prior laws. The repealing clause of acts 1877, ch. 74, and 1873, ch. 1, are the same. In consequence of acts 1877, ch. 74, only repealing all inconsistent laws, there may be some provisions of acts 1873, chs. 1, 2 — such as §§ 89-93 of that act — which may not be superseded.

The act of congress of March 3, 1849, organizing the territory, reserved sections 16 and 36 in each township for use of schools. Act February 26, 1857, authorizing state government, enacted same provision. Const. art. 8, constituted the proceeds of this land a perpetual school fund, to be invested as therein provided, and income apportioned to each township in proportion to number of *scholars* between five and twenty-one years of age.

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TITLE 1.

COMMON SCHOOL DISTRICT SYSTEM.

ORGANIZATION OF DISTRICTS.

SEC. 3286. **Incorporation — Public schools free.**— Every common school-district in this state, now established, or which may be hereafter formed, set off or established, and every independent and special school-district now organized or created, or that may hereafter be organized or created under any law of this state, is hereby declared to be a body corporate, with power to contract or be contracted with, sue and be sued, in any court of this state having competent jurisdiction. * Every common school-district shall be such body corporate under the name of school-district number — in the county of —. Every independent school-district shall be such body corporate under the name which has been or may be adopted by such district; and every school-district organized under any special act of the legislature, by the name designated in its charter or act of incorporation.* Every school-district shall be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of one year. All schools supported, wholly or in part, by state school funds, shall be styled the public schools, and admission to them shall be free and without charge to all persons between the ages of five and twenty-one years, residing in the district.

1877, ch. 74, subch. 1, § 1: " An act to establish and maintain a system of public schools in the state of Minnesota." Approved February 28, 1877. Repealed all inconsistent laws. Above * is § 1, ch. 36, G. S. Between ** is acts 1873, ch. 1, § 1. Below * is acts 1877, ch. 74, subch. 1, § 1.

SEC. 3287. **Area.**— Any school-district hereafter organized or altered may contain the entire township in which it is situated, or a tract of land six miles square in different townships.

Non-residents.— Persons not residents of such district, and to whom the school in such district is easier of access than the school in any other district, may, upon application to the county commissioners of the county in which such district is located, be admitted to all the benefits of such school, upon such terms as the said commissioners may deem proper: *provided, first*, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school-district meeting of the school-district within which he may receive such benefits or privileges, but of which he is not a member.

Nominal districts.— *Provided, second*, that in organized counties containing nominal school-districts in which schools have not been held for two years, or territory not embraced in any school-district, the county commissioners shall attach such nominal school-districts, and all such territory, to adjoining districts having schools. Such territory shall be distributed to districts in the most equitable manner possible, and with regard to the convenience of any residents upon the same.

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SECS. 3288-3291.] EDUCATION — COMMON SCHOOL DISTRICT SYSTEM.

Extinct districts.— *In case a common school-district becomes extinct, or has heretofore become extinct, in consequence of having all its territory attached to other districts, any funds in the county treasury, or in the hands of the treasurer of such extinct district, after the payment of all debts of such district, properly and legally payable out of such funds, shall be distributed by the county auditor to the districts to which its territory has been annexed, in proportion to the valuation of the real property so annexed to each.*

Limitation.— *Provided, third,* that county commissioners shall make no changes in the boundaries of existing school-districts, unless upon recommendation of county superintendents of schools, that shall leave any old district, or constitute any new district, with less than thirty-five residents between five and twenty-one years of age, except under the condition of the third proviso of section¹ sixteen, chapter one, of this act.

1877, ch. 74, subch. 1, § 17, as amended 1881, ch. 51, by adding matter between ** . 10 M. 852; 27 M. 41. ¹Sec. 3291, *post*.

SEC. 3288. **Classification.**— School-districts shall be classified as follows:
First. Common school-districts, including all districts not embraced in either of the two following classes.

Second. Independent school-districts, including all districts now organized as such, or that may hereafter be organized under chapter seven of this act.

Third. Special school-districts, including all districts now organized as such, or that may hereafter be organized wholly or in part under any special law of this state.

1877, ch. 74, subch. 1, § 2. Substantially § 3, ch. 1, acts 1873.

SEC. 3289. **Numbered and platted.**— The numbers of districts now existing and numbered, in each county, shall be continued to such districts respectively; and such districts as may hereafter be formed shall be numbered in the several counties by the county auditors, who shall make and keep in the records of their offices a clear and well-defined plat or description of each school-district, and of such formations and alterations as may from time to time be made.

1877, ch. 74, subch. 1, § 3. Same as § 4, ch. 1, acts 1873, and substantially § 4, ch. 36, of G. S.

CHANGE OF BOUNDARIES.

SEC. 3290. **Change of boundaries — Notice.**— Upon the presentation of any petition respecting changes in the boundaries of school-districts, the county commissioners shall appoint a time and place for a hearing upon it, and shall post one notice thereof, setting forth the substance of the petition, and the time and place of such hearing, in some public place in each district to be affected by the proposed change, and cause to be served a copy thereof upon the clerk of each district to be affected, at least ten days before the time appointed for such hearing.* The posting of such notice shall be verified by the affidavit of the person posting the same, which said affidavit shall state the time and place of posting, and the serving of said copy of notice upon the clerk of each district shall be verified by the certificate of the county auditor.

1877, ch. 74, subch. 1, § 15, as amended 1881, ch. 14. Amendment below * and insertion of word "one" after word "post." Acts 1873, ch. 1, § 8, same as above, except that latter act required notice in three public places — G. S. ch. 36, § 5, as amended 1868, ch. 11; 1869, ch. 2.

SEC. 3291. **Same — Hearing.**— At the time and place so appointed for such hearing, the commissioners, having publicly read the petition, shall proceed to consider the same, with anything which may be said by interested persons for or against granting the prayer of the petitioners. At the conclusion of such hearing, which may be adjourned from time to time, they shall

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[SEC. 3291.]

cause to be entered upon the records of such board their decision, which shall be in the form of an order particularly describing the districts affected thereby, signed by the chairman, and attested by the auditor, who shall, if the action of the commissioners be affirmative, cause a copy thereof to be filed with, or addressed by mail to, the clerk of each district affected.

Affect two or more counties.— Provided that when the territory of the district or districts to be affected by such formation, alteration or consolidation consists of parts of two or more counties the petition shall be in duplicate or more as the case may be and one presented to the commissioners of each of such counties who shall severally proceed to hear the petition in the manner directed. That to effect the formation, alteration or consolidation in such petitions desired shall require the concurrent action of the commissioners of each of such counties. The determination of such commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties, in the manner directed and also with the county auditors in each of the counties petitioned.

Rehearing.— *Provided, second,* that if any five (5) or more voters who are freeholders residing in the district and who may feel aggrieved by the alteration or organization of their district, shall make and file with the county auditor a written application to the county commissioners for a rehearing of any matter in relation to school districts upon which they have entered their order not more than twenty (20) days prior to such filing, said auditor shall present the same at their next session thereafter to said commissioners, who shall thereupon cause notice of a rehearing of such matter to be served upon the clerks of the affected districts and posted as provided in case of petition; and at the time and place stated in such notice, or at any subsequent time to which the same may be adjourned, they shall hear such grievance, and make such order in the premises as they may think justice requires.

Detaching voter.— *Provided, third,* that upon a petition of any legal voter to said commissioners, stating that it is the desire of the petitioner to be set off from the district in which he then is, to some district adjoining the same, which petition shall show that the petitioner is a resident of and a freeholder in the district from which he desires to be set off, and that his land is adjoining the district to which he wishes to become attached, and also the reason for the same, which petition shall be verified by the oath of the petitioner to the effect that the statements therein contained are true to the best of his knowledge and belief, the said commissioners, having given notice as provided in case of petitions signed by more than one person, may change the boundaries of the district in which said petitioner resides, so as to set him off to some other district adjoining the same, whenever it shall seem to them just and proper so to do.

Women may sign petitions.— *Provided, fourth (4th),* that petitions and remonstrances respecting the formation of school districts and changes in their boundaries may be signed by women who are freeholders in the district and are entitled to vote in its school meetings.

Freeholders defined.— *Provided, further,* that all persons actually residents in the district upon said lands, which they hold under homestead or pre-emption, or under contract with the state of Minnesota, shall be deemed freeholders within the meaning of this act.

1877, ch. 74, subch. 1, § 16, as amended 1879, ch. 43; 1881, ch. 41; 1885, ch. 121. Acts 1879 amended first proviso, acts 1881 the fourth proviso, and 1885 the second proviso. Substantially § 9, ch. 1, acts 1873, except fourth proviso, which, in acts of 1873, directed nominal districts to be attached to existing districts, and which was amended 1875, ch. 20, and 1876, ch. 16. The first and second provisos are found in § 5, ch. 36, of G. S. Acts 1868, ch. 11; 1869, ch. 2. 35 M. 165.

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SECS. 3292-3294.] EDUCATION - COMMON SCHOOL DISTRICT SYSTEM.

NEW DISTRICTS.

SEC. 3292. By altering boundaries or uniting districts.— The board of county commissioners of the several counties in this state may form new school districts, alter the boundaries of districts, or unite districts upon a petition of a majority of the freeholders who are legal voters, residing in each district to be affected thereby: *provided*, that before final action on such petition by said board, the same shall be submitted to the county superintendent of schools of such county, who shall speedily report the same to said board, with his opinion in writing, as to the propriety of granting such petition.

1877, ch. 74, subch. 1, § 12, as amended 1878, ch. 48; 1879, ch. 28. Acts 1877 required one-fourth of freeholders to petition, and the approval of county superintendent indorsed on the petition. Acts 1878 required a majority of freeholders. Acts 1879 struck out provision requiring superintendent's indorsement and inserted the proviso. Above the proviso is § 7, ch. 1, acts 1873, and first paragraph of § 5, ch. 30, of G. S., as amended 1868, ch. 11; 1869, ch. 2. Acts 1873, ch. 1, § 26, provided for enumeration in new districts.

SEC. 3293. When impracticable to locate near center of district.— Whenever in any school district, or districts of this state there are fifteen or more children of school age, whose parents or guardians are legal voters of said district or districts, and reside more than two miles from any school house in such district or districts, upon a petition signed by a majority of such parents or guardians, presented to the board of county commissioners of the county in which such district or districts may be situated, and setting forth therein that by reasons of swamps, marshy or other natural impediments, it is impracticable to locate a site for, or build a school house near the center of such district or districts, and describing the territory said petitioners may desire to comprise the new district prayed for, the said board of county commissioners shall act upon said petition, and shall have the power to form a new school district out of the territory of the district or districts aforesaid, of such proportions and in such manner as in the judgment of the board seems most practicable to answer the educational needs of the petitioners and others similarly situated.

1887, ch. 124, as amended 1889, ch. 165. Acts 1887, entitled "An act to provide for the formation of new school districts." Approved March 5, 1887. Amendment inserted: "and describing the territory said petitioners may desire to comprise the new district prayed for."

SEC. 3294. When majority of children cannot attend.— Whenever any territory in this state of not less than two and one half sections of land in extent, the governmental subdivisions of which said territory contiguous is included in and forms a part of two or more school districts of this state, and contains twenty or more children of school age whose parents or guardians are residents of said territory, a majority of such parents and guardians may present a petition in writing to the board of county commissioners of the county in which such territory is situated, setting forth a description of such territory, the names of all the parents and guardians so residing in said territory, and that by reason of swamps, marshes, rivers or other natural impediments it is impracticable for a majority of such children to travel to the school houses of the districts in which their said parents or guardians respectively reside, and that by reason thereof said majority of such children are prevented from attending school during a large portion of the school year, the said board of county commissioners shall act upon said petition and shall have the power to form a new school district out of the territory mentioned in said petition or any part thereof, in such manner as in the judgment of said board seems most practicable to answer the educational needs of the petitioners, and the other districts affected thereby. *Provided*, that such new district as finally formed shall not contain less than two sections of land, nor less than fifteen children of school age.

1889, ch. 162: "An act to provide for the formation of school districts." Approved April 24, 1889.

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DISTRICTS IN UNORGANIZED COUNTIES.

SEC. 3295. Organization.—The county commissioners of counties to which unorganized counties are attached shall have power to establish common schools in such unorganized counties in the manner prescribed in section number twelve, of chapter number thirty-six, general statutes, relating to the establishment of common schools.

Schools established under this act shall be on the same footing in all respects with schools in organized counties.

1888, ch. 117, §§ 1, 3: "An act to authorize the establishment of common schools in unorganized counties." Approved March 1, 1888.

SEC. 3296. Superintendent.—The school superintendents of such organized counties shall have jurisdiction over the schools of unorganized counties attached to their respective counties.

1888, ch. 117, § 2.

POWERS OF DISTRICTS.

SEC. 3297. Hold title to school property.—Every district shall hold, in the corporate name of the district, the title of lands and other property now owned, or which may hereafter be acquired for school-district purposes in such districts; and no property held by school-districts for public-school purposes shall be subject to taxation.

1877, ch. 74, subch. 1, § 4. Same as § 5, ch. 1, acts 1873. Substantially § 2, ch. 36, G. S., except the exemption from taxation, which is § 36 of G. S.

SEC. 3298. Obtain title when in doubt.—When the title to lands or other property, held for school purposes, is in doubt, or is vested in other parties than those prescribed in the preceding section, the trustees of the district, or board of education, shall procure the title to such lands or other property to be vested as provided therein.

1877, ch. 74, subch. 1, § 5. Same as § 6, ch. 1, acts 1873, and § 3, ch. 36, of G. S. Acts 1868, ch. 11; 1869, ch. 2.

SEC. 3299. Vested rights preserved.—No changes in the title, condition, or relation of existing school-district property, shall affect or prejudice any right of such district to enforce by law against the proper parties thereto, any contract, right, obligation or cause of action now existing, or prejudice any right of any party who holds any contract, right, obligation or cause of action, or lien, upon any such district or the property thereof.

1877, ch. 74, subch. 1, § 18—G. S. ch. 36, § 37. Acts 1872, ch. 2. Acts 1873, ch. 1, § 48. *Robbins v. School District*, 10 M. 268.

MEETINGS.

SEC. 3300. Notice of.—The clerk shall give at least ten days' notice of each annual or special meeting, by posting three notices thereof in conspicuous places in the district. Every notice for a special meeting shall set forth all the objects for which such meeting is called. Special meetings shall be called on the order of the board of trustees, or by the written request of five or more freeholders of the district: *provided, first*, that whenever there is no district clerk, or the clerk refuses or neglects for three days to post notices for a special school-meeting, after being requested in writing by five or more freeholders of the district, a special school-meeting may be called by posting three notices thereof in three conspicuous places in the district, duly signed by five or more freeholders or householders, being qualified electors in the district: *provided, second*, that at any annual meeting, the legal voters present may act upon any matter properly before them, except the raising of money for building or purchasing a school-house, or fixing the site thereof, although it has not been particularly set forth in the notice for such meeting.

1877, ch. 74, subch. 2, § 20—G. S. ch. 36, § 18, as amended 1872, ch. 2. Acts 1873, ch. 1, § 22. 13 M. 17.

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SECS. 3301, 3302.] EDUCATION—COMMON SCHOOL DISTRICT SYSTEM.

SEC. 3301. Powers of.—The legal voters of school-districts when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present,

First. To appoint a moderator.

Second. To adjourn from time to time.

Third. To elect a director, clerk and treasurer, which elections must be by ballot; and, when necessary, to choose a clerk pro tem.

Fourth. To designate a site for a school-house; *provided*, that the site for a school-house shall not be changed after having being designated, unless at least a majority of the legal voters in the district who have resided therein for a period of at least six (6) months prior to such vote, and two-thirds ($\frac{2}{3}$) of the voters, so qualified, who are present and voting, vote in favor of such change; except that whenever a majority of the legal voters of any school district, voting thereon, shall determine to build a new school house, or to remove a school house already built in such district, and the school house site therein shall be more than one-quarter ($\frac{1}{4}$) of a mile from the centre of the district; then a majority of the legal voters of such district, voting thereon, may change the site to a more central location.

Fifth. To vote an amount of money to be raised by a tax on the taxable property of the district, sufficient to meet the conditions on which apportionments from state school funds are made to districts, and to raise such additional amounts as the district may determine; to purchase or lease a site for a school-house, and to build, hire or purchase such school-house, when the same is necessary; to keep in repair and provide the same with the necessary furniture and appendages; to procure fuel, and to purchase or increase a library and school apparatus; to appoint a librarian, and to make all rules necessary for the usefulness, preservation and increase of the library.

Sixth. To repeal or modify their proceedings from time to time, in accordance with the powers conferred by this act: *provided, first*, no school-district shall in any one year levy a tax exceeding eight mills on the dollar, for the purpose of building a school-house, or leasing or procuring a site for a school-house; but any district in which the above rate will not produce the sum of six hundred dollars, may raise by a tax that sum in any year, if the rate does not exceed twenty-five mills on the dollar on all taxable property of the district: *provided, second*, that the legal voters of any school-district containing less than ten voters, when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present, to do and perform all the acts mentioned in the several subdivisions of this section, except that such meeting shall not vote a tax to exceed in amount two hundred dollars in any one year.

1877, ch. 74, subch. 2, § 1, as amended 1887, ch. 35; 1889, ch. 166. Amendment of 1887 inserted in fourth subdivision, "a majority of the legal voters in the district and two-thirds of those present and voting in favor of such change," which was modified by acts 1889 as above. Excepting the proviso in fourth subdivision, this section substantially § 34, ch. 1, acts 1873, as amended 1875, ch. 22; 1876, ch. 15; and §§ 5 and 20, ch. 36, G. S. Acts 1870, ch. 2; 1871, ch. 1. School Dist. v. Thompson, 5 M. 221; 10 M. 263.

SEC. 3302. Women empowered to vote.—Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in section one of article seven of the constitution of the state of Minnesota, who shall have resided in the United States one year, and in this state for four months, next preceding any election held for the purpose of choosing any officer of schools, or any school-district meeting called to consider any measure relating to schools, shall be entitled to vote at such election or meeting, in the school-district of which she shall at the time have been for ten days a resident; and any woman so entitled to vote shall be eligible to hold any office pertaining solely to the management of public schools: *provided*, that it shall be the duty of all judges of election to permit any woman to vote at any election for the purpose of choosing any officer of schools, or any district-school meeting called to consider any measures relating to schools, if they are satisfied that

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she is otherwise a legal voter, without requiring her to register as now provided by law for male voters.

1877, ch. 74, subch. 1, § 13. Same as § 1, ch. 14, acts 1876. Approved March 1, 1876. Acts 1885, ch. 204, empowered women to vote for county superintendent of schools (§§ 106-109, *ante*). *Attorney-General v. Gorton*, 33 M. 345.

SEC. 3303. Same — Separate ballot-box.— Whenever the charter or act of incorporation of any city or village provides for the election of public-school officers within such city or village, at the same election at which other officers of such city or village are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election, except such officers of public schools; and all such ballots shall be deposited in a separate ballot-box, but canvassed with the other ballots cast for school officers at such election.

1877, ch. 74, subch. 1, § 14. Same as § 2, ch. 14, acts 1876. See §§ 106-109, *ante*. 33 M. 347.

BOARD OF TRUSTEES.

SEC. 3304. Constituted — Quorum — Powers.— The director, treasurer and clerk of each common school district shall constitute a board of trustees; and any two of such board may make any contract or perform any act which the board as such is authorized to make or perform, except as provided in section thirty-one [thirteen] as amended March sixth, one thousand eight hundred and seventy-nine. But no contract shall be made or authorized without due notice to all the members of the board of a meeting of the trustees called for the transaction of such business. The board of trustees shall have the general charge of the interests of schools and school-houses in their district; shall lease or purchase in the corporate name of the district a site for a school-house designated by the legal voters of the district; shall build, hire or purchase a suitable school-house with the funds provided for that purpose, and when directed by the legal voters of the district at any legal meeting of the same, may sell or exchange any such site or school-house.

1877, ch. 74, subch. 2, § 5, as amended 1879, ch. 17; 1881, ch. 41. Amendment of 1879 inserted the exception referring to § 15, which acts 1881, ch. 41, § 3, corrects by referring to § 13, subch. 2, acts 1877, ch. 74. Acts 1881, ch. 41, left out provision that no change unless two-thirds vote. Substantially § 10, ch. 36, G. S., as amended 1868, ch. 10, and acts 1873, ch. 1, § 13. For the law governing contracts, insurance, inventories, etc., see *ante*, ch. 6, title 28. 4 M. 83; 5 M. 221; 6 M. 412; 13 M. 406; 7 M. 145; 29 M. 434; 12 M. 17.

SEC. 3305. Election of — Term of office.— The officers of each common school district shall be a director, a treasurer, and a clerk, who shall be elected by a ballot at the annual meeting, which shall be held on the third Saturday in July of each year at seven o'clock p. m., unless a different hour shall have been fixed by a vote at the last preceding annual meeting. And the term of office of any common school district officer that should expire in September, A. D. one thousand eight hundred and eighty-five, shall expire on the last day of July, one thousand eight hundred and eighty-five, and the term of office of any common school district officer that should expire in September, one thousand eight hundred and eighty-six, shall expire on the last day of July, A. D. one thousand eight hundred and eighty-six, and the term of office of any common school district officer that should expire in September, A. D. one thousand eight hundred and eighty-seven, shall expire on the last day of July, A. D. one thousand eight hundred and eighty-seven. The clerk shall, within three days after the meeting, notify such persons of their elections, and they shall enter upon their term of office on the first day of August in each year, and continue in office until their successors are elected and qualified, under the following order of the boards elected at the annual meeting in October, A. D. one thousand eight hundred and seventy-two: the director shall hold his office one year, the treasurer two years, and the clerk three years, and thereafter one trustee shall be elected annually. But when a new district is formed, a meeting for organization may be called by a notice stating the object of such meet-

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SECS. 3306-3308.] EDUCATION — COMMON SCHOOL DISTRICT SYSTEM.

ing, signed by three freeholders or householders residing within the limits thereof, and posted in five conspicuous places in the district ten days before the time fixed for holding such meeting, and such meeting, so called, shall have the same power as annual meetings; *provided*, that the board of trustees elected at such meeting shall hold their respective offices until the next annual meeting; and, of the officers elected by any district at the first annual meeting after the organization, the director shall hold his office for one year, the treasurer two years, and the clerk three years; * *provided*, second, if an annual meeting is not held, or if for any reason a trustee is not elected to an office the term of which expires at the regular annual meeting of that year, the incumbent of such office shall hold over until its next annual meeting in the following year, and until his successor is duly elected at a regular annual meeting.

1877, ch. 74, subch. 2, § 2, as amended 1881, ch. 41; 1885, ch. 57. Above * is acts 1877, except change in dates. Below * is acts 1881, ch. 41, § 6. Substantially § 10, ch. 1, acts 1873, as amended 1875, ch. 21. Substance in § 7, ch. 36, G. S., as amended 1871, ch. 5. Acts 1868, chs. 10 and 13; 1869, ch. 5; 1872, ch. 7.

SEC. 3306. Acceptance of office.— All persons elected as district officers, under the provisions of this chapter, shall, within ten days after notice thereof by the clerk, file their acceptance of the same, in the office of the district clerk; and a failure to file such acceptance shall be deemed a refusal to serve; and it shall thereupon be the duty of the officers holding over to fill such offices by appointment, until the next annual meeting and until the successors of such appointees are elected or appointed, and qualify for office: *provided*, that if any vacancy is not filled by the remaining trustees, within the time specified for such appointment, it may be filled at any subsequent time, before notices have been posted for an annual or a special meeting.

1877, ch. 74, subch. 2, § 4. Substantially §§ 8, 9, ch. 36, G. S. Acts 1873, ch. 1, § 12, did not provide penalty. 31 M. 229.

SEC. 3307. Vacancies.— In case of any vacancy in the board of trustees, the vacant office shall be filled by the remaining members, until the next annual meeting, when the vacancies shall be filled by election for the unexpired term: *provided*, that if any vacancy exists, and the remaining members of the board neglect or fail to fill it by appointment within ten days after its occurrence, a special meeting of the district, to fill such vacancy or vacancies, may be called, as in the case of the organization of a new district; the notices for which, signed by three freeholders or householders, shall set forth the business the meeting is called to transact; and the officers elected at such meetings shall hold the offices to which they are elected during the unexpired current term of the office to which they are severally elected, and until their successors are elected and qualified.

1877, ch. 74, subch. 2, § 3. Last paragraph § 10, ch. 1, acts 1873, provided for filling vacancies. Acts 1871, ch. 3.

DUTIES OF TRUSTEES.

SEC. 3308. Expenses — Taxes — Debts.— The board of trustees shall submit to the legal voters of the district, at their annual school meeting, an estimate of the expenses of the district for the coming year, for the time during which a school is required to be held, as a condition of sharing in the state school funds, and for such further time as the legal voters may vote to have school. Said trustees shall have power, and it shall be their duty, to levy a tax, if the district neglects to vote such tax, sufficient to support a school for the time, in each year, necessary to secure apportionments from the state school funds; and the legal voters may vote to have a school any further length of time deemed proper, and the trustees shall provide a school in each year, for the entire time for which a school was ordered and funds provided by the district: *provided*, that the trustees, in any action taken without definite instructions, shall not permit the current expenses of the school, in any year, to ex-

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ceed the amount which they are authorized to levy, or which the district has voted, or which may be on hand for such school.

1877, ch. 74, subch. 2, § 6. 31 M. 229.

SEC. 3309. Open schools.—When any school-district shall have determined, by a majority of qualified voters, at any legal meeting thereof, to open more than one school, it shall be the duty of its board of trustees to provide for the opening of such school, and to arrange for each school the proper number of scholars.

1877, ch. 74, subch. 2, § 7.

SEC. 3310. Hire teachers.— Provide fuel — Furnish schools.—The board of trustees at a meeting called for that purpose, shall hire, for and in the name of the district, such teachers only as have certificates of qualification, and make written contracts with such teachers, specifying the wages per month, and time employed as agreed upon by the parties, and file such contracts in the office of the clerk; (but no contract shall be made with any teacher who is related by blood or marriage to any member of the school board, without the concurrence of all the members of the board of trustees, by vote duly entered on the clerk's record of proceedings.)

Month defined.—*Provided*, that the term "month," wherever it occurs in any section of this act, shall be construed to mean four weeks of five days each.

Provide fuel.—The trustees shall provide fuel for the schools of the district; if the voters of the district make no provision for fuel at their annual meeting, shall furnish all things necessary for the school house during the time a school shall be taught therein, which shall be at least three months in each school year, and such further time as the district by vote may direct.

Teacher's register.—Every teacher shall procure a register for his school from the clerk of the district, keep a daily record of attendance, and of such other matters as may be required in such register, and receive all persons sent to him between the ages of five and twenty-one years residing in the district, and such other persons as may attend school under any arrangement with the board of trustees.

1877, ch. 74, subch. 2, § 13, as amended 1879, ch. 17, § 2. Amendment inserted matter between parentheses — G. S. ch. 36, §§ 12, 13. Acts 1867, ch. 4. Acts 1873, ch. 1, § 15. 12 M. 448; 31 M. 333; 41 N. W. 103.

SEC. 3311. Visit schools — Admit scholars.—The board of education and board of trustees shall have sole power to admit the attendance of persons over the age of twenty-one years, or non-residents of their districts, upon payment of such rates of tuition as may be determined by the board; and each member of the board shall visit the school at least once in each term, and give such advice to the teacher as may be for the benefit of the school.

English language.—*Provided, first*, that in the schools of common school-districts, the books used, and all instruction given, shall be in the English language; but teachers able to speak any other language that is the vernacular of any pupil, may use that language to aid in teaching the meaning of English words, and may also give instruction in such language, not to exceed one hour in each day; but no such instruction shall be given unless the trustees of such district have expressed themselves unanimously in favor thereof.

Gratuitous.—*Provided, second*, that admission to any school organized under the provisions of this act, or any special school law of this state, sustained in whole or in part by state school funds, shall be gratuitous to the children of all actual residents in the district wherein such school is taught, between the ages of five and twenty-one years, and to all other persons between the same ages who may be in good faith living in said district.

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Suspension.— *Provided, third*, that boards of trustees and boards of education may suspend or expel pupils for insubordination, immorality, or infectious disease.

1877, ch. 74, subch. 2, § 14, as amended 1881, ch. 41, § 5. Amendment struck out in second proviso, "and have not come into the same for the purpose of attending school." G. S. ch. 36, § 11. G. S. ch. 36, § 72, as amended 1868, ch. 7. Acts 1873, ch. 1, §§ 14, 16. Acts 1867, ch. 1, repealed, provided for teaching foreign language.

DUTIES OF DIRECTOR.

SEC. 3312. Appear in suits.— The director shall appear for and in behalf of his district in all actions brought by or against it, whenever no other direction is given by a lawful meeting of the legal voters thereof.

1877, ch. 74, subch. 2, § 15— Acts 1873, ch. 1, § 17.

SEC. 3313. Act as clerk.— In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of a majority of the board to be paid, the orders may be drawn by the director, and paid by the treasurer, a statement thereof, with a copy of such orders, being delivered to the clerk by the treasurer; or the office of the clerk may be declared vacant by the director and treasurer, and filled by appointment.

1877, ch. 74, subch. 2, § 28— Acts 1873, ch. 1, § 28.

DUTIES OF CLERK.

SEC. 3314. Keep records and accounts.— The clerk shall record the proceedings of the district meetings and of the board of trustees, in a book provided for that purpose; he shall enter therein copies of all his reports made to the county auditor or county superintendent, and copy into the same the term reports as they appear in the teacher's register returned to him at the close of each term, and keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office; he shall act as the clerk of the district in all its meetings, or, if absent, record the minutes of the clerk *pro tem.*, and keep an account of all expenses of the school and school-house, and record the cost of outbuildings, fences, wood, stoves, and all the conveniences of the school-room, such as maps, charts, blackboards and school libraries.

1877, ch. 74, subch. 2, § 19— G. S. ch. 36, § 17. Acts 1873, ch. 1, § 21. 12 M. 17.

SEC. 3315. Make and transmit reports.— The clerk of every school-district in the state shall, on or before the tenth day of August in each year, make and transmit to the superintendent of schools in and for his county, a certified report, on a blank prepared by the state superintendent of public instruction, and furnished to districts through county superintendents of schools, showing the condition and value of school property, the receipts by districts from different sources, disbursements for different objects, and such other financial matters as the blanks may require; and, in common school-districts, the annual arrangements for terms of school, and the names and post-offices of all the school-district officers for the current year. The clerk of common school-districts shall also report to the county superintendent the time of the commencement of each term of school, two weeks before the time of the commencement of such term.

1877, ch. 74, subch. 2, § 21, as amended 1885, ch. 57, by striking out September and inserting August. G. S. ch. 36, § 19, as amended 1869, ch. 4; 1870, ch. 2; 1871, ch. 1. Acts 1873, ch. 1, § 23.

SEC. 3316. To be paid for reports.— Every clerk whose report is found to be accurate, and made within the time prescribed by law, shall receive pay for such service at the rate of two per cent. on the cash disbursements of the year: *provided, first*, that the amount for such service shall not exceed six dollars, unless the district votes a larger sum at a school-meeting, called by notices in which it was stated that action would be had on the question of

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increasing such compensation: *provided, second*, that it may be optional with the committee for examining reports, to award pay for any report that was made within the time prescribed by law, but which contained errors, if such errors were corrected by the person making the report, before it became necessary for the county superintendent to copy such report into his report to the state superintendent of public instruction: *provided, third*, that the county superintendent, immediately after the reports have been examined by himself and the auditor, shall send a notice, written or printed, to every clerk found to be entitled to pay, stating such fact. Such notice shall be a voucher on which the treasurer of the district shall pay the clerk the sum due for such service, out of any funds applicable to current expenses, and not needed for the payment of teachers holding orders against the district, or under contract requiring payment at the end of the term.

1877, ch. 74, subch. 2, § 23.

SEC. 3317. Reports to be examined.—The county superintendent of schools and the auditor of each county in the state, upon the first Monday of November in each year, or upon some day in the first week of November, shall meet in the office of the auditor, and examine the reports of clerks of common and independent school-districts to the county superintendent of schools for the preceding year, in order to ascertain respecting each report:

First.—Whether the cash items are recorded in their proper places, and whether the financial statement balances, and whether all questions in the report are correctly answered.

Second.—Whether the report was made within the time specified by law; and in case of any report sent by mail, it shall be deemed made when deposited in a post-office, properly stamped, and addressed to the county superintendent of schools.

1877, ch. 74, subch. 2, § 22.

DUTIES OF TREASURER.

SEC. 3318. Furnish bond.—The treasurer of each district shall execute a bond to the district, in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer during his term, with sufficient surety, to be approved by the director and the clerk, conditioned for the faithful discharge of his duties. Such bond shall be filed with the clerk of the district, and in case of any breach of any condition thereof, the director shall cause an action to be commenced thereon and prosecuted in the name of the district, and the money, when collected, shall be applied to the use of the district. The treasurer failing to give a bond as provided herein, or for any cause being unable to attend to his duty, the director and the clerk of the district shall proceed to appoint another treasurer, who shall give bond as required herein: *provided*, that two-thirds of the voters residing in any common school-district may petition the director and clerk to require of the treasurer new bonds, under the terms of this section. On receiving such petition, the director and clerk shall forthwith make such requisition. If any treasurer neglects for ten days to comply with such requisition, his office may thereafter be declared vacant, and be filled by appointment.

1877, ch. 74, subch. 2, § 16—G. S. ch. 36, § 15. Acts 1869, ch. 3. Acts 1873, ch. 1, § 19.

SEC. 3319. Make reports—Pay over money.—The treasurer shall present and file with the clerk, three days before each annual meeting, a report in writing, signed by him, and containing a statement of all moneys received by him within the year preceding, and of all his disbursements, exhibiting vouchers therefor; also, the amount received by him of taxes assessed upon the taxable property of the district within the year, the purposes for which they were assessed, the amount assessed for each purpose; which report shall be recorded by the clerk; and if it appears that there is any balance

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in the hands of the treasurer, he shall pay such balance to his successor in office as soon as he executes the bond required as a condition for holding the office of treasurer. The director and clerk shall examine said report, and, if correct, they shall endorse the same. * Whenever any school district is united to another school district, the treasurer shall, upon demand, pay over to the treasurer of the consolidated district all moneys in his hands.

1877, ch. 74, subch. 2, § 17, as amended 1881, Ex. S. ch. 30, by adding below * — G. S. ch. 36, § 16. Acts 1873, ch. 1, § 20.

SEC. 3320. Pay out moneys — Keep accounts.— The treasurer of each district shall receive and pay out all moneys appropriated to or belonging to his district, and keep an accurate account of the public-school funds, and of the district funds raised by tax, entering in his book all receipts, so as to indicate both the sources from which received and the objects to which applicable; and disbursements shall be recorded so as to show for what purpose the money was paid.

1877, ch. 74, subch. 2, § 18 — G. S. ch. 36, § 14. Acts 1873, ch. 1, § 18.

SEC. 3321. Orders on treasurer.— The clerk shall draw orders on the treasurer of the district for the payment of teachers, or for any other lawful purpose; and when such orders are attested by the director, they shall be paid by the treasurer. Each order shall be dated and numbered, and shall state the service or consideration for which it was drawn, and the name of the person rendering such service or consideration, and shall be recorded in a book kept by the clerk for that purpose. The clerk shall procure from the county superintendent of schools, and furnish to the teacher, a register for his school, which register, properly kept, shall be deposited by the teacher with the clerk at the close of each term, and before such teacher shall be paid for the last month of service. The clerk shall procure, from the county superintendent, blanks upon which to make his report to such superintendent: *provided*, that if any order drawn for the payment of a teacher is presented to the treasurer for payment, and is not paid for the want of funds, the treasurer shall make a written statement over his signature, by endorsing on such order, with date showing such presentation and non-payment, and shall make and keep a record of such endorsement; such order shall thereafter draw interest at the rate of ten per cent. per annum, until the treasurer shall notify the clerk in writing that he is prepared to pay such order.

1877, ch. 74, subch. 2, § 27 — G. S. ch. 36, § 20, as amended 1868, ch. 10; 1868, ch. 12; 1869, ch. 5; 1873, ch. 7. Acts 1873, ch. 1, § 27. 32 M. 477.

SEC. 3322. Teachers' wages — Payment of.— Any teacher duly qualified and having complied with the provisions of the school laws, and having fulfilled his contract with a district to teach, shall be paid out of the first moneys in the district treasury for payment of teachers' wages, before the payment of any claims for teachers' services rendered subsequently; and no money for teachers' wages derived from the current school fund in any district treasury shall be applied to any other purpose. And any school-district treasurer who shall violate the provisions of this section, shall be personally liable to the teacher who was entitled to such moneys, which may be recovered against such treasurer and his bail in any court having jurisdiction of the action; but treasurers shall not be authorized to pay teachers out of any money other than that raised or apportioned for that purpose.

1877, ch. 74, subch. 2, § 29 — G. S. ch. 36, § 34, as amended 1869, ch. 3. Acts 1873, ch. 1, § 41.

TAXES — LEVY AND COLLECTION.

SEC. 3323. Levy furnished to auditor.— The clerk of the district shall, on or before the tenth day of October in each year, furnish to the county auditor an attested copy of so much of his district record as will show the amount of money voted to be raised by the district for school purposes at

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any annual or special meeting within the year, and any amount levied by trustees, under power conferred by this act, without the vote of the district.

1877, ch. 74, subch. 2, § 24 — G. S. ch. 36, § 21, as amended 1868, ch. 10; 1871, ch. 8; 1872, ch. 70. Acts 1873, ch. 1, § 24.

SEC. 3324. Special taxes — Levied and collected.— All special taxes for any public-school purpose, in pursuance of law, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

1877, ch. 74, subch. 2, § 12 — G. S. ch. 36, § 27.

SEC. 3325. Entry of levy on assessment rolls.— It shall be the duty of county auditors to place on file the reports of district clerks respecting the taxes to be levied in their districts, and to levy the amount specified upon the real and personal property of each district, entering such taxes upon the assessment rolls of the year so as to indicate the special object for which each amount respectively is levied: *provided*, that county auditors, in extending such tax, shall not be required to use, as a rate per cent., any fractional part of a mill other than half a mill.

1877, ch. 74, subch. 2, § 25 — G. S. ch. 36, § 22. Acts 1873, ch. 1, § 29.

SEC. 3326. Taxes when district in two or more counties.— When a tax is voted by a district composed of parts of two or more counties, the clerk shall, on or before the tenth of October of that year, transmit to the county auditor of each of the counties a statement of the amount so voted. The said auditors shall thereupon transmit, each to the other, an abstract of the assessment in that part of the district in their respective counties, and shall levy the amount required in proportion to the amount of property in that part of the district situated in their respective counties. The money arising from such assessment shall be drawn by the district treasurer from the county treasurer of each county in which the district is situated. The number of scholars in each fraction of the district shall be returned by teachers to the superintendent of the county in which said portion of the district is situated, and all moneys apportioned by auditors shall be drawn by the district in the same manner as when the district is in one county.

1877, ch. 74, subch. 2, § 26 — G. S. ch. 36, § 5. Acts 1870, ch. 6; 1871, ch. 8. Acts 1873, ch. 1, § 25.

TITLE 2.

INDEPENDENT SCHOOL DISTRICT SYSTEM.

ORGANIZATION OF DISTRICTS.

SEC. 3327. Where established.— Any city, town, village, township or school district, now or hereafter organized, may be organized into and established as an independent school district, in the manner and with the powers hereinafter specified:

Limitations.— *Provided, first*, that this title shall not apply to any township or school district containing less than five hundred inhabitants, unless said school district consists, in whole or in part, of an incorporated city, town or village. *Provided, second*, that the provisions of this chapter shall not apply to any city, town or village, or any part thereof, which now has any special law regulating its schools. *Provided, third*, that the territorial limits of no independent district hereafter organized shall exceed six miles square.

1877, ch. 74, subch. 7, § 1, as amended 1891, ch. 41, by adding last proviso. G. S. ch. 36, § 54. Acts 1873, ch. 1, § 95. 27 M. 40.

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SEC. 3328. **Notice of meeting to organize.**— In order to such organization, written notices shall be posted in three of the most public places in the contemplated district, signed by at least six resident freeholders of the same, requesting the qualified electors in said district to assemble upon a specified day, and at some suitable place in said district, to be named in said notices, then and there to vote by ballot for or against organization under this chapter, which notices shall be so posted at least ten days next prior to said meeting.

1877, ch. 74, subch. 7, § 2— G. S. ch. 36, § 55. Acts 1873, ch. 1, § 96.

SEC. 3329. **Voting.**— The electors assembled at said time and place, shall proceed to appoint a chairman, assistant chairman and clerk, who shall be judges of said election. The electors in favor of organization under this chapter for said district, shall write upon their ballots, "Independent district — Yes;" and those opposed thereto, "Independent district — No."

1877, ch. 74, subch. 7, § 3— G. S. ch. 36, § 56. Acts 1873, ch. 1, § 97.

SEC. 3330. **When organized, law applicable.**— Upon and after organization as herein provided, any district so organizing or heretofore so organized, shall be governed by the provisions of this chapter, and by the general school laws, not inconsistent with the special provisions of this chapter.

1877, ch. 74, subch. 7, § 22— G. S. ch. 36, §§ 75, 76. Acts 1873, ch. 1, § 116. 27 M. 41.

BOARD OF EDUCATION.

SEC. 3331. **Election of.**— In case a majority of votes are cast in favor of organization under this provision for independent districts, the electors of said district shall assemble at the place where such votes were cast within twenty days thereafter, of which at least ten days' previous notice shall be given by said chairman and clerk in the manner aforesaid, and shall then and there choose by ballot six directors, who shall hold their office until their successors are elected and qualified as hereinafter provided.

On the third Saturday in July, occurring more than twenty days after the organization of such district, there shall be chosen in the same manner six directors, two of whom shall serve for one year, two for two years, and two for three years, and until their successors are elected and qualified. The time that each shall serve to be designated on the ballot, and annually thereafter on the third Saturday in July there shall be chosen two directors whose terms of office shall be three years, and until their successors are elected and qualified.

Terms — Prior elections.—* The terms of all members of boards of education elected at the annual school meetings in A. D. one thousand eight hundred and eighty-two, A. D. one thousand eight hundred and eighty-three, and A. D. one thousand eight hundred and eighty-four, shall expire on the first Saturday in August, two years and eleven months from the date of their election.

1877, ch. 74, subch. 7, § 4, as amended 1881, ch. 41; 1885, ch. 57. Amendment of 1881 inserted the provision for election on the first Saturday in September, and amendment of 1885 changed it to third Saturday in July and added matter below*. G. S. ch. 36, § 57. Acts 1871, ch. 4. Acts 1873, ch. 1, § 98. For law governing contracts, insurance, inventories, etc., see *ante*, ch. 6, title 28.

SEC. 3332. **Created a body corporate.**— Said directors, and their successors in office, shall be a body corporate, by the name of "The board of education of ——" (the name of the city, town, village or township), and as such, and by such name, shall have perpetual succession, and shall receive all moneys and other property belonging to or accruing to said district, or to said city, town, village or township, or any part of the same, for the use or benefit of the public schools therein, and succeed to all the rights, and be subject to all the liabilities of the same; and the said board shall be capable of contracting and being contracted with, suing and being sued, and shall also be

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capable of receiving any gift, grant, bequest or devise, made for the use of the public schools in said city, town, village, township or district, under any law of this state, for the use of the public schools therein, shall be paid to the treasurer of said board of education.

1877, ch. 74, subch. 7, § 5 — G. S. ch. 36, § 58. Acts 1873, ch. 1, § 99.

SEC. 3333. Organization of board.— Said board shall, within ten days after their election as aforesaid, and annually thereafter, on the first Saturday in August, meet and organize by choosing a president, clerk, and treasurer, who shall hold their offices as such for one year, and until their successors are elected and qualified. The board of education may also elect, by ballot, a superintendent, who shall hold his office during the pleasure of the board, and shall receive such compensation as shall be fixed by the board. The superintendent shall be *ex-officio* member of the board, but not entitled to vote therein. The board may, for satisfactory reasons, remove any member or officer of the board, and fill the vacancy; *provided*, that no member shall be removed except by a concurrent vote of at least four members of the board, and at a meeting of whose object, time and place he was duly notified.

1877, ch. 74, subch. 7, § 6, as amended 1885, ch. 57, § 3, by striking out "third Saturday in September," and inserting "first Saturday in August." G. S. ch. 36, § 59, as amended 1871, ch. 4. Acts 1873, ch. 1, § 100.

SEC. 3334. Compensation.— No other member of said board shall receive any compensation for his services, except the clerk and treasurer, whose compensation shall be fixed by the board.

1877, ch. 74, subch. 7, § 7 — G. S. ch. 36, § 60. Acts 1873, ch. 1, § 101.

SEC. 3335. Meeting of board.— Said board may hold stated meetings at such times and places, in said district, as they may appoint. Special meetings thereof may be called by the president, or by any two members, on giving one day's notice of the time and place of the same, and said board, by resolution, shall direct the payment of all moneys that shall be paid out of the treasury, and no money shall be paid except in pursuance of such resolution, and on the written order of the clerk, countersigned by the president.

1877, ch. 74, subch. 7, § 15 — G. S. ch. 36, § 68. Acts 1873, ch. 1, § 109.

SEC. 3336. Quorum.— Four members of said board shall constitute a quorum for the transaction of business, at any meeting.

1877, ch. 74, subch. 7, § 8 — G. S. ch. 36, § 61. Acts 1873, ch. 1, § 102.

SEC. 3337. Vacancy in board.— In case of a vacancy, the board of education shall have power to fill the same by appointment, until the next annual district election, when the electors of said district may choose a suitable person to fill the remainder of such term; *provided*, the clerk of said board shall give notice of such vacancy as required in other cases.

1877, ch. 74, subch. 7, § 9 — G. S. ch. 36, § 62. Acts 1873, ch. 1, § 103.

SEC. 3338. Records of board.— The records of said board, signed by the president, or a transcript thereof, or any part thereof, and all papers belonging to the office, or a transcript thereof, certified by the clerk, shall be *prima facie* evidence of the facts therein stated, and all records, books and papers belonging to said board, shall be subject to the inspection of any legal voter of said district.

1877, ch. 74, subch. 7, § 13 — G. S. ch. 36, § 66. Acts 1873, ch. 1, § 107.

POWERS OF BOARD.

SEC. 3339. General powers.— The board of education shall have power, and it shall be their duty:

First. To establish and organize such grades of schools, alter and discontinue the same in said district, as they may deem expedient.

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Second. To provide necessary rooms or buildings for school houses and grounds about the same.

Third. When authorized by a vote of the district to purchase or erect one or more school houses, and purchase sites for the same.

Fourth. To purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school houses, and to furnish fuel for the same.

Fifth. To take care of the property of the district, and procure insurance, and make ordinary repairs upon the same, or any part thereof, when deemed expedient.

Sixth. To contract with, employ and pay teachers who have received certificates, as provided herein, and to discharge the same.

Seventh. To defray the necessary expenses of the board, pay the compensation of the clerk, treasurer and superintendent, and for such printing, record books, stationery and other incidental matters as may be deemed proper.

Eighth. To superintend and manage in all respects the schools of said district, and from time to time to adopt, alter, modify and repeal rules for their organization, government and instruction, for the keeping of registers, for the reception of pupils, resident and non-resident within the district, their suspension, expulsion and transfer from one school to another, to prescribe text-books and a course of study for the schools, and to visit each school in the district not less than once in three months.

Ninth. To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and to prescribe penalties for the breach thereof, to be recovered as penalties in other cases before a justice of the peace, and to change and repeal the same.

Tenth. To make, change and repeal rules relating to the organization, government and business of said board, and the duties of its officers.

Eleventh. To provide for the prompt payment, at maturity, of the principal and interest of any indebtedness of the district, by voting, from time to time, taxes upon the taxable property of said district, sufficient to meet the same, making allowances for delinquency in paying any part of such taxes.

Twelfth. To furnish to the board of examiners the necessary blanks for all such grades of such certificates as the board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

Thirteenth. When authorized by a vote of the district to make, execute and deliver, for and in behalf of said district, deeds, mortgages, releases, and all other instruments relating to the real property thereof.

1877, ch. 74, subch. 7, § 18 — G. S. ch. 36, § 70. Acts 1873, ch. 1, § 112.

SEC. 3340. **Same — Keep schools open — Taxes — Accounts.**— Said board of education shall keep said schools in operation not less than twelve, nor more than forty-four weeks in each year.

Taxes.— Determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expense of said schools, except for the erection of school houses and the purchase of sites, and on or before the tenth day of October of each year make known the amount of such tax to the auditor of the county in which said district is situated, which tax shall be assessed in said district, collected and paid over to the treasurer of said district.

Accounts.— Said board shall keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for choosing directors in said districts, make report of such receipts and the source from which the same were derived, and of the disbursements and the objects to which the same were applied; and they shall also make report at the same time of such other matters relating to said schools, as they deem the interest of the same to require.

1877, ch. 74, subch. 7, § 19 — G. S. ch. 36, § 71. Acts 1873, ch. 1, § 113.

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EDUCATION — INDEPENDENT SCHOOL DISTRICT SYSTEM. [SECS. 3341—3343.]

SEC. 3341. Same — School examiners.— Said board of education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein — one to serve one year, one for two years, and one for three years, from the time of their appointment, and until their successors are appointed, and annually thereafter said board shall appoint one examiner to serve for three years, and until his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death or otherwise.

Duties.— Said examiners, or any two of them, shall examine any persons that may apply for that purpose with the intention of becoming teachers in any of the schools of said district, and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate made on such blanks as may be provided by the board of education, naming the branches in which the holder of said certificate is found qualified to teach, setting opposite each branch the degree of attainment on a scale of which five shall be the maximum, and no person shall be permitted to teach in said schools without such certificate.

Superintendent to examine.— *Provided*, that any examination of teachers herein provided for may, at the request of the board of examiners, be made by the county superintendent of schools, whose certificate, as herein provided for, when countersigned by said board of examiners, shall be valid, as their own act.

Annul certificate.— Said examiners may, in all cases, when two of their members concur, have power to annul such certificates, and when so annulled and reported to the board of education, the person holding the same shall be discharged as teacher.

Visit schools.— Said examiners shall also, separately or otherwise, together with said board of education, or any of them, or such person as they may appoint or invite, visit said schools as often as once in every three months, and observe the discipline, mode of teaching, progress of pupils, and such other matters as they may deem of interest, and make such suggestions and report thereupon to said board, as they may think proper, which report may be published at the discretion of said board, together with their annual report.

1877, ch. 74, subch. 7, § 20 — G. S. ch. 36, § 73, as amended 1872, ch. 4. Acts 1873, ch. 1, § 114.

SEC. 3342. Sites and school houses.— Whenever said board deem it necessary to purchase or erect a school house or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters of the district, by giving ten days' notice of the time and place and object of said meeting in some newspaper printed and in general circulation in said district; if there is no such newspaper, then by posting notices thereof in five or more of the most public places in said district, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose aforesaid.

1877, ch. 74, subch. 7, § 16 — G. S. ch. 36, § 69. Acts 1873, ch. 1, § 110.

SEC. 3343. Same — Levy of tax for.— The amount of money so voted shall be thereupon certified by the chairman and secretary of the board of education to the auditor of the county, and shall be levied on the taxable property of said district: *provided*, that no tax shall be levied in any one year exceeding eight mills on the dollar, for the purpose of building a school house or school houses, or procuring sites therefor.

1877, ch. 74, subch. 7, § 17 — Acts 1873, ch. 1, § 111.

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SECS. 3344-3347.] EDUCATION — INDEPENDENT SCHOOL DISTRICT SYSTEM.

SEC. 3344. **Taxes.**— All taxes raised by virtue of this chapter, shall be levied and collected in the same manner, and by the same officers as county taxes are levied and collected.

1877, ch. 74, subch. 7, § 21 — G. S. ch. 36, § 74. Acts 1873, ch. 1, § 115.

OFFICERS OF BOARD.

SEC. 3345. **President and clerk.**— The president and clerk shall file, in the office of the clerk of the district, their written acceptance of office, as such. The president shall preside at all meetings of the board and district — except that a president *pro tempore* may be chosen in his absence, — shall sign all orders drawn upon the treasurer for moneys voted to be paid by said board, and perform such other duties as the board prescribe.

1877, ch. 74, subch. 7, § 11 — G. S. ch. 36, § 64. Acts 1873, ch. 1, § 105.

SEC. 3346. **Clerk — Duties.**— The clerk shall act as clerk of the district as well as of the board, — except that in his absence, inability or refusal to act, a clerk *pro tempore* may be chosen, — shall keep a record of the proceedings of all district meetings, as well as of the meetings of the board, and of all reports made by him to the county auditor and county superintendent, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district, shall furnish to the county auditor, on or before the tenth day of October, in each year, an attested copy of his record, stating the amount of money voted to be raised by the district for school purposes at any annual or special meeting, or by the board of education; he shall give due notice of all meetings of the district; shall, upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it was drawn, and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same; he shall keep all records, books and papers belonging to his office, and deliver the same to his successor; he shall, on or before the tenth day of August, in each year, make and transmit to the county superintendent a report in writing, showing the amount of money apportioned to the district by the county auditor, and received from the county treasurer; specifying the amount from each source of revenue, the amount received from special taxes voted by the district, and from any other sources; the several amounts disbursed within the year, and the object for which each amount was expended; the value of school sites and of school buildings, furniture and apparatus, and such other financial matters as may be required on the blanks furnished by the state department of public instruction. Said clerk shall perform such other duties as may be specified by the board of education.

1877, ch. 74, subch. 7, § 12, as amended 1885, ch. 57, by striking out September and inserting August. G. S. ch. 36, § 65, as amended 1871, ch. 4. Acts 1873, ch. 1, § 106.

SEC. 3347. **Treasurer — Duties.**— The treasurer, before entering upon the duties of his office, shall execute a bond to the board of education, in double the amount of money, as nearly as can be ascertained, which will come into his hands as treasurer within the year, with not less than two sureties, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer; said bond shall be filed with the clerk of the board, and in case of any breach in the conditions thereof, the board shall cause an action to be commenced thereon, in the name of the board of education, and the money recovered shall be applied to the use of the district; said board may require such treasurer to give additional security from time to time; said treasurer shall receive, and upon the order of the board, signed by the clerk and president, pay out all moneys belonging to the district, paying each order only out of the particular fund upon which it was drawn, and shall keep an accurate

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and detailed and separate account of each fund coming into his hands, in a book or books provided for that purpose; said treasurer shall, within three days preceding the annual meeting in each year, file with the clerk of the board a report in writing, signed by him, and containing a statement of all the moneys received by him within the year preceding, and of all his disbursements; said report shall be examined by the board, before which the treasurer shall exhibit his vouchers before the annual meeting of the district, and be approved or disapproved by resolution, entered upon the records of said board. Said treasurer shall make such report of the business of his office as may be called for by the board at any time. He shall keep all records, books and papers belonging to his office, and deliver the same to his successor in office, upon demand. He shall pay to his successor in office, upon demand, after such successor has given bonds as hereinbefore prescribed, all money in his hands belonging to said district, and perform such other duties as may be ordered by the board.

1877, ch. 74, subch. 7, § 14 — G. S. ch. 36, § 67, as amended 1871, ch. 4. Acts 1873, ch. 1, § 108.

SEC. 3348. Superintendent.— The superintendent shall visit the schools of the district, and report their condition to the board as often as they require. He shall superintend the grading of the schools, and examinations for promotion, and shall perform such other duties as the board prescribe. He shall also make, to the state superintendent of public instruction, such reports as may be required, through the county superintendent of schools or directly to the state department of education.

1877, ch. 74, subch. 7, § 10 — G. S. ch. 36, § 63. Acts 1873, ch. 1, § 104.

DISSOLUTION OF INDEPENDENT SCHOOL DISTRICTS.

SEC. 3349. By two-thirds vote.— That any independent school district, organized under chapter thirty-six of the general statutes one thousand eight hundred and seventy-eight, may dissolve its organization at any election held in such district in the same manner as nearly as may be as elections are held under said chapter for the purpose of organizing such independent school districts; *provided*, that such school district shall only be dissolved when two-thirds of the legal voters voting at any such election shall cast their ballots in favor of dissolving the same.

1885, ch. 170, § 1: "An act to empower independent school districts organized under ch. 36, G. S. 1878, to dissolve the organization by a two-thirds vote of the qualified electors of the same." Approved March 3, 1885.

SEC. 3350. Ballots.— At any election held for the purpose of dissolving any such school district the electors in favor thereof, may deposit ballots worded thus, "Dissolving independent school districts, yes," and those opposed thereto may deposit ballots worded thus, "Dissolving independent school district, no."

1885, ch. 170, § 2.

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SECS. 3351-3356.] EDUCATION — PROVISIONS APPLICABLE TO BOTH SYSTEMS.

TITLE 3.

PROVISIONS APPLICABLE TO BOTH SYSTEMS.

PENALTIES.

SEC. 3351. Neglect or refusal of officer.—Every person duly elected to and accepting the office of director, treasurer or clerk of any school district or member of board of education, who shall neglect or refuse to enter upon the duties of his office and serve therein faithfully, or shall refuse or neglect to perform any of the duties prescribed by law, shall forfeit the sum of ten dollars to the use of said district, which may be collected by an action before any justice of the peace in the county. To be prosecuted by the director of said district or by any freeholder in said district.

1877, ch. 74, subch. 6, § 2, as amended 1879, ch. 41, by inserting sentence "or shall refuse or neglect to perform any of the duties prescribed by law." Acts 1873, ch. 1, § 48. 31 M. 229.

SEC. 3352. Failure of clerk to report.—Any failure on the part of a clerk of a school district to make report to the county superintendent or county auditor, as provided for by law, shall be punishable by a fine not to exceed fifty dollars, for the use of the district.

1877, ch. 74, subch. 6, § 3—G. S. ch. 36, § 23. Acts 1873, ch. 1, § 49.

SEC. 3353. Neglect of clerk to keep records.—Any school district clerk, who shall neglect to keep the books and records of the office in the manner prescribed by law, or shall refuse to deliver up the books and papers belonging to his office as clerk, to his successor in office, shall be liable to a fine of ten dollars for each offense.

1877, ch. 74, subch. 6, § 5—Acts 1873, ch. 1, § 51.

SEC. 3354. Diversion of school funds.—Any school district clerk who shall draw an order upon the district treasurer, diverting the public school funds from their legitimate channel, shall be held personally responsible for twice the amount of such order.

1877, ch. 74, subch. 6, § 4—Acts 1873, ch. 1, § 50.

SEC. 3355. Interested in school contracts.—No teacher, state, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this state, with which such officer or teacher may be connected; and any such teacher or officer, who shall receive any commission or compensation, either directly or indirectly, for the sale of any book, apparatus or furniture used or to be used in any school in this state, upon conviction thereof, by complaint before a justice of the peace, shall be fined not less than fifty nor more than two hundred dollars for each such offense.

1877, ch. 74, subch. 6, § 8—Acts 1873, ch. 1, §§ 55, 56, as amended 1874, ch. 23.

SEC. 3356. Refusing child admission to school.—If any child of suitable age for attending the public schools is denied admission to any such school, or if any scholar is suspended or expelled from any such school without sufficient cause, or on account of color, social position or nationality, the board by whose direction the offense was committed, shall forfeit and pay a fine of fifty dollars for each offense; and nothing in this act, or in any amendment of it, shall be so construed as to authorize any school trustees, board of education, or other school officer or authorities, to classify the scholars with reference to color, social position or nationality, or to set apart the children so classified into separate schools without their consent and the consent of the parents or guardians of such children. And no town, city, or school district, which shall offend in this respect, or in which any child of suitable age

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shall be refused admission to any school in the proper locality or ward on account of color, social position or nationality, shall be entitled to any portion of the school funds of this state. And it shall be the duty of the state superintendent of public instruction, in making apportionments of school funds, in all cases when satisfied of the commission of such offense, by complaint of the aggrieved party or otherwise, to withhold from the county wherein the offense was committed, the amount of such school funds designed for the town or city committing such offense; and it shall be the duty of the auditor of such county to withhold all state school funds from the city or town in which such offense was committed, and to add the same to the next semi-annual apportionment to the other districts of the county.

1877, ch. 74, subch. 6, § 1 — Acts 1873, ch. 1, § 47. 31 M. 333.

SEC. 3357. Prosecutions.— It is hereby made the duty of any and every officer, to whom reports are by law required to be made in relation to schools and school districts, in case any officer shall have failed to make any report required by law, within the time fixed by law for making such report, and for which failure a penalty is prescribed, to give, in writing, immediate notice to the delinquent and to the county attorney of the proper county of such failure. It shall be the duty of the county attorney, on the receipt of such notice, to institute legal proceedings to collect, with proper costs, the prescribed penalty, in the name and for the use of the proper county or district. The county attorney shall also institute similar proceedings, for the same purpose, upon complaint of the county superintendent of schools, or any other person interested in having the law executed, that any school officer has violated any of the provisions of the school law to which a penalty is attached.

1877, ch. 74, subch. 6, § 9 — Acts 1873, ch. 1, §§ 53, 54, 57. 31 M. 229.

AGE OF ADMISSION TO SCHOOL.

SEC. 3358. Power of boards.— That the board of trustees of any common school district or the board of education of any independent or special district may by vote of a majority of all the members of said board at any regular meeting, exclude from the public school in the district, all children under six years of age, and when such action has been once taken it shall not be changed before the beginning of the next school year.

1887, ch. 125: "An act to authorize the school boards to fix the minimum age at which pupils may be admitted to the public schools at six years." Approved March 5, 1887.

COMPULSORY ATTENDANCE.

SEC. 3359. Age of attendance — Exception.— That every parent, guardian, or other person in the state of Minnesota having control of any child or children between the ages of eight and sixteen years shall be required to send such child or children to a public school, or private school, taught by a competent instructor, for a period of at least twelve weeks in each year, at least six weeks of which time shall be consecutive.

Exception.— Unless such child or children are excused from such attendance by the board of the school district or the board of education of the city or independent school district in which such parent, guardian or person having control resides, upon its being shown to their satisfaction that such parent or guardian was not able, by reason of poverty, to clothe such child properly or that such child's bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, or that such child or children are taught at home in such branches of study as are usually taught in the public schools subject to the same examination as other pupils of the district or city in which the child resides, or

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that he has already acquired the ordinary branches required by law, or that there is no school taught within two miles by the nearest traveled road.

1885, ch. 197, § 1: "An act requiring the education of all healthy children." Approved March 5, 1885.

SEC. 3360. Penalties.— Any parent, guardian or other person failing to comply with the provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor and fined in a sum not less than ten nor more than twenty-five dollars for the first offense, nor less than twenty-five nor more than fifty dollars for the second and every subsequent offense. Said action shall be prosecuted in the name of the state of Minnesota, before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury of the proper county for the support of common schools.

1885, ch. 197, § 2.

SEC. 3361. Duty of director and president of board.— It shall be the duty of any school director or president of the board of education to inquire into all cases of neglect of the duty prescribed in this act, and ascertain from the persons neglecting the reasons, if any, therefor and shall forthwith proceed to secure the prosecution of any offense occurring under this act, and any director or president neglecting to secure such prosecution for such offense within ten days after a written notice has been served on him by any taxpayer in said district or city, unless the person so complained of shall be excused by the district or city board, or board of education, for reasons hereinbefore stated, shall be deemed guilty of a misdemeanor and liable to a fine of not less than twenty nor more than fifty dollars, which fine shall be prosecuted for in the name of the state of Minnesota, and such fine when collected shall be paid into the county treasury as in section two of this act.

1885, ch. 197, § 3.

SEC. 3362. Malicious prosecution.— That upon the trial of any offense as charged herein, if upon such trial it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant and collected as fines in other cases.

1885, ch. 197, § 4.

TEACH SOCIAL AND MORAL SCIENCE.

SEC. 3363. In all schools.— That all school officers in the state may introduce as part of daily exercises of each school in their jurisdiction, instruction in the elements of social and moral science, including industry, order, economy, punctuality, patience, self-denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, cheerfulness, courage, self-reliance, gratitude, pity, mercy, kindness, conscience, reflection and the will.

Oral lessons.— That it may be the duty of the teachers to give a short oral lesson every day upon one of the topics mentioned in section one¹ of this act, and to require the pupils to furnish illustrations of the same upon the following morning.

Emulation.— That emulation may be cherished between pupils in accumulating facts in regard to the noble traits possible, and in illustrating them by daily conduct.

1881, ch. 150, §§ 1, 2, 3: "An act to introduce moral and social science in public schools of this state." Approved March 4, 1881. In force July 1, 1881. ¹Sec. 3363.

TEACH PHYSIOLOGY AND HYGIENE.

SEC. 3364. In all schools.— It shall be the duty of the boards of education and trustees in charge of schools and educational institutions supported in whole or in part by public funds, to make provision for systematic and

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regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system.

1887, ch. 123, § 1: "An act relating to instruction in public schools in physiology and hygiene, with special reference to the effect of stimulants and narcotics on the human system." Approved March 1, 1887.

SEC. 3365. All teachers to teach.— It shall be the duty of all teachers in the public schools of the state, to give systematic and regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system, and any neglect or refusal on the part of such teachers to provide instruction, as aforesaid; shall be deemed sufficient cause for annulling his or her certificate by the county superintendent or other competent officer. [1887, ch. 123, § 2.]

SEC. 3366. Failure to teach — Penalty.— It shall be the duty of the county superintendent of schools to report to the superintendent of public instruction any failure or neglect on the part of any board of education or trustees of a school or institution receiving aid in whole or in part from the state, to make provision for the instruction aforesaid, and such failure or neglect being satisfactorily proven by the county superintendent or by other persons, it shall be sufficient warrant upon which the superintendent of public instruction may withhold the apportionment of the current school fund from such district; *provided*, that not more than one-fourth of said apportionment shall be withheld upon the first offense, one-third upon the second and one-half upon any subsequent offense. [1887, ch. 123, § 4.]

SEC. 3367. Teachers examined in.— No certificate shall be granted any person to teach in the public schools of this state, after January first, one thousand eight hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system. [1887, ch. 123, § 3.]

SEC. 3368. Text-books on.— That the superintendent of public instruction and the presidents of the normal schools of this state be directed to recommend some suitable text-book, and to furnish the same at cost to the several school districts of this state, for the study of physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system. [1887, ch. 123, § 5.]

SEC. 3368a. (Sec. 1.) Elk Lake.— That the lake known for many years to the Indians and early explorers as Elk Lake, situated in Beltrami county, in section twenty-two (22) of town one hundred and forty-three (143) north, range thirty-six (36) west, fifth (5th) principal meridian, shall be known and designated hereafter on all official maps of the state, and named in all county and state records referring to the same as "Elk Lake." [1889, ch. 69. New.]

SEC. 3368b. (Sec. 2.) School geography.— No edition of any school geography published subsequent to January one (1), eighteen hundred and ninety (1890), which contains any map giving any name to the lake specified in section one (1), other than "Elk Lake" shall be used in the schools of this state. [1889, ch. 69. New.]

SCHOOL HOLIDAYS.

SEC. 3369. Named — School month defined.— In every contract between any teacher and board of trustees or board of education, a school month shall be construed and taken to be twenty days or four weeks of five school days each. And no teacher shall be required to teach school on Christmas day; the first day of January; the Fourth of July; Memorial day or the day appointed by the president of the United States or the governor of the state as a day of thanksgiving, and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section, and any contract made in violation of this section shall have no force or effect as against the teacher.

1887, ch. 122, § 1: "An act defining school holidays." Approved March 5, 1887.

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SECS. 3370-3377.] EDUCATION — PROVISIONS APPLICABLE TO BOTH SYSTEMS.

SEC. 3370. **Attendance.**—In reckoning attendance the standing of no scholar shall be affected by reason of non-attendance upon any of the days named in section one of this act whenever they occur within the school term the same as if school had been held and all had been present. [1887, ch. 122, § 2.]

USE OF SCHOOL HOUSES FOR DIVINE WORSHIP.

SEC. 3371. **Authorized.**—That the trustees of any common school district may, when petitioned therefor by a majority of the legal voters of said district, permit and authorize the school house in their district to be used for purposes of divine worship, Sabbath schools, and such other purposes as in their judgment will not interfere with the use of the school house for school purposes.

1881, ch. 127, § 1: "An act in relation to the use of school houses in common school districts." Approved February 17, 1881.

SEC. 3372. **Same — Bond for use.**—Before authorizing or permitting the use of the said school house for any of the purposes named in the foregoing section, the trustees may take from some responsible party a bond in the penal sum of one hundred dollars, conditioned for the proper use of said school house, the payment of all rent, and the repair of all damages that may be occasioned during their use of the same. [1881, ch. 127, § 2.]

SEC. 3373. **Compensation for use.**—The said trustees shall charge and collect from the person or persons obtaining the use of the school house, as provided in section one of this act, such reasonable compensation as in their judgment shall be proper, said moneys to be paid to the treasurer of said school district for school purposes. [1881, ch. 127, § 3.]

SEC. 3374. **By independent districts.**—That chapter one hundred and twenty-seven, General Laws A. D. one thousand eight hundred and eighty-one, an act in relation to the use of school houses in common school districts, shall apply to all independent, special, or free school districts also.

1881, Ex. S. ch. 35: "An act to amend chapter 127, General Laws 1881." Approved November 22, 1881.

ACTIONS BY AND AGAINST TRUSTEES.

SEC. 3375. **Actions by trustees.**—The trustees of any school district organized in accordance with the provisions of this act, may prosecute actions in their official capacity in the following cases:

First. On a contract made with them in their official capacity; or

Second. To enforce a liability, or a duty enjoined by law in favor of such officers, or the district; or

Third. To recover a penalty or forfeiture given to such officers of the district; or

Fourth. To recover damage for an injury to their official rights or property.

1877, ch. 74, subch. 8, § 1 — G. S. ch. 36, § 77. Acts 1873, ch. 1, § 118.

SEC. 3376. **Actions against trustees.**—An action may be brought against them in their official capacity, either upon a contract made by such officers in their official capacity, and within the scope of their authority, or for an injury to the rights of the plaintiff, arising from some act or omission of such officers or of the district. The actions authorized by this chapter, may be brought by or against said trustees, upon a cause of action which accrued within the term of their predecessors, as well as within their own term of office, and when brought, may be continued by or against the successors in office of the parties whose names may, for that purpose, be submitted in the action.

1877, ch. 74, subch. 8, § 2 — G. S. ch. 36, § 78. Acts 1873, ch. 1, § 119.

SEC. 3377. **Service of process.**—In legal proceedings against the trustees, in their official capacity, all processes and papers may be served on any one of them, and the party served shall notify the others of the fact of such service.

1877, ch. 74, subch. 8, § 3 — G. S. ch. 36, § 79. Acts 1873, ch. 1, § 120.

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EDUCATION — PROVISIONS APPLICABLE TO BOTH SYSTEMS. [SECS. 3378—3383.]

SEC. 3378. Judgment against — Payment.— When a judgment is recovered against any trustees in any action prosecuted by or against them in their name of office, no execution shall issue on such judgment, but the same, if for the recovery of money, shall, unless reversed or stayed on appeal, be paid by the treasurer upon demand, and the delivery to him of the certified copy of the docket of the judgment, if there is sufficient money of such district in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed on appeal.

1877, ch. 74, subch. 8, § 4 — G. S. ch. 36, § 80. Acts 1873, ch. 1, § 121. 39 N. W. 802.

SEC. 3379. Judgment filed at district meeting.— If such judgment is not satisfied or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said school district, a certified copy of the docket of the judgment may be presented to said district at its annual meeting.

1877, ch. 74, subch. 8, § 5 — G. S. ch. 36, § 81. Acts 1873, ch. 1, § 122.

SEC. 3380. Amount of judgment added to tax.— The trustees of the district shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said district, and the same shall be certified to the county auditor and collected as other district taxes are collected. *Provided*, that if the trustees of any school district, against which any judgment has been obtained, and which has not been appealed from, or which in case of an appeal has been affirmed in the appellate court, in whole or in part, fail to certify to the county auditor of the proper county, as provided in this section, on or before the first day of October, next after the certified copy of the docket of such judgment has been presented to such trustees, as provided in section 15 of this act, and the judgment creditor, his attorney or agent, shall file a certified copy of such docket entry of said judgment with the county auditor of the proper county before such auditor has extended the tax against such school district, accompanied by an affidavit, stating that such judgment, or any part thereof, remains unpaid, and stating the amount claimed to be due thereon, and that a certified copy of such judgment had been previously served on such trustees, such county auditor shall at once levy a tax on said district, sufficient and for the purpose of satisfying such judgment and the costs thereon, which action of the county auditor shall have the same force and effect, and stand in the place of the action of such school district trustees for all purposes whatever.

1877, ch. 74, subch. 8, § 6 — G. S. ch. 36, § 82. Acts 1873, ch. 1, § 123, as amended 1874, ch. 78. ¹Sec. 3379.

SEC. 3381. When execution to issue.— If such judgment is not paid within thirty days after the time fixed by law for the county treasurer to pay over the money in his hands, levied for the purpose of paying such judgment next after the rendition thereof, execution may be issued on such judgment, but only the property belonging to said district shall be liable thereon.

1877, ch. 74, subch. 8, § 7 — G. S. ch. 36, § 83. Acts 1873, ch. 1, § 124. 39 N. W. 802.

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SEC. 3382. How sued.— Any school-district in this state, having contracted any indebtedness and failed to provide for the payment of the same, and from which the trustees have removed or ceased to act, and none elected or appointed in their stead, may be proceeded against in the name and number of such district, in the district courts of this state, as provided for in this act.

1878, ch. 96, § 1: "An act to provide for the collection of debts against school districts from which the trustees have removed and none elected or appointed in their stead." Approved March 7, 1878.

SEC. 3383. Service of process.— All actions under the provisions of this act shall be commenced against the school-district by its name and number;

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and the service of the summons and all process and papers, in any cause against such district, shall be made upon the auditor of the county wherein such school-district is situated.

1878, ch. 96, § 2.

SEC. 3384. **Affidavit.**—Every person seeking service upon any school-district shall make and file with the clerk of the court in which any such action is about to be commenced, an affidavit showing the nature and amount of his claim against such district, and when the same fell due, and also that there are no officers of the district upon which service of summons can be obtained; whereupon the judge of the district court wherein said action is about to be commenced, or the court commissioner of the proper county, may order the summons and complaint in such cause served upon the auditor of the county wherein such district is situated.

1878, ch. 96, § 3.

SEC. 3385. **Who to defend.**—In case of the service of the summons upon the auditor in any cause commenced under the provisions of this act, the auditor is empowered, in the name of such district proceeded against, to defend such action; and any tax-payer of such district may appear and defend such action as fully as the trustees of school-districts are able to do: *provided*, that it shall not be the duty of any [county] auditor to defend such action, unless the voters of such school-district shall first satisfactorily indemnify him against all legal costs and expenses incurred by him in making such defense.

1878, ch. 96, § 4.

SEC. 3386. **Enforcement of judgment.**—Whenever a judgment is recorded against any school-district under the provisions of this act, a certified copy of the docket of the judgment may be presented and filed with the auditor of the county in which such judgment was obtained, whereupon the said auditor shall, at the time the ordinary annual taxes are levied, next following the filing of said certified copy of the docket of such judgment, levy upon the taxable property of such district a tax sufficient to pay such judgment and interest and costs, and place the same upon the grand duplicate tax lists of the proper districts; and said tax shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for the non-payment thereof.

1878, ch. 96, § 5.

SEC. 3387. **Satisfaction of judgment.**—It shall be the duty of the county treasurer of the proper county, upon the presentation to him of a certified copy of the docket of the judgment, to pay to the person entitled thereto any money in his hands collected for the purpose of paying the said judgment, or which may have been collected prior to the time when said judgment was obtained, for the purpose of paying the indebtedness of the district for which such judgment was obtained.

1878, ch. 96, § 6.

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SEC. 3388. **Authorized.**—Whenever it shall become necessary for any common school-district, or any independent or special school-district in the state, to acquire for the use thereof a site for a school-house, or for any addition to any school-house site, the title to any real estate, whenever the same shall not be acquired by agreement with the owners thereof, may be acquired by any such school-district, in the manner hereinafter provided.

1877, ch. 74, subch. 1, § 6. Same as § 1, ch. 26, acts 1875.

SEC. 3389. **Petition—Order of court.**—The board of trustees of any such common school-district, or the president or other chief executive officer of any such independent or special school-district, may, on behalf of such dis-

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strict, present to the district court in and for the county where the lands proposed to be acquired are situate, or to the judge of said court, a petition describing the lands which it will be necessary to acquire, the names and residences of the owners thereof, if known to the petitioners, and also the names of all other parties, by the records of such county appearing to have any interest in or lien upon such lands; and thereupon such court or judge shall make an order, designating a time and place when and where commissioners will be appointed to appraise the value of such lands, and the damages which may accrue by the taking and use of the same.

1877, ch. 74, subch. 1, § 7. Same as § 2, ch. 26, acts 1875.

SEC. 3390. Service of order.— A copy of such order shall be personally served upon the owner and other persons interested in such lands, if they be residents of this state, and their place of residence be known to the petitioners, which service shall be made at least twenty days before the time fixed for the appointment of such commissioners. Service upon minors or insane persons may be made by leaving a copy of such order with their guardian, or other person having such minor or insane person in charge. If such owner or other person interested, or any of them, be not residents of this state, or if the place of residence of such person be unknown to the petitioners, the service of such order shall be made by the publication thereof once in each week for three successive weeks, in a newspaper published in the county where such lands are situate, or if there be none, then in a newspaper published at the capital of this state, the last of which publications shall be at least twenty days before the time fixed for the appointment of such commissioners.

[1877, ch. 74, subch. 1, § 8. Same as § 3, ch. 26, acts 1875.

SEC. 3391. Commissioners to assess damages.— At the time and place named in such order, the court or judge, after satisfactory proof of the service of such order, and of the necessity of the taking and appropriating such lands, shall appoint three disinterested persons, residents of such county, as commissioners, who shall have power to appraise the value of all lands mentioned in such petition, and the damages for the taking and use of the same. Said commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath that they will faithfully perform their duty as such commissioners, without partiality, and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of such court. Said commissioners shall give notice to all persons named in such petition of the time when they will meet upon the lands described in such petition, to appraise the value of the same, and the damages which may accrue by the taking and use thereof. Such notice shall be served in the same manner provided in section eight of this act, except that the same shall be made at least five days before the time designated for such meeting.

1877, ch. 74, subch. 1, § 9, as amended 1881, ch. 41. Approved March 7, 1881. Amendment struck out two and inserted eight in last sentence. Same as § 4, ch. 26, acts 1875.

SEC. 3392. Meeting of commissioners — Report — Appeal — Judgment.— At the time designated in such notice, the commissioners, or a majority of them, shall meet upon the lands described in the petition, and shall proceed to examine the same, and to hear the allegations and testimony of all persons interested and appearing, and shall, within ten days thereafter, make and file in the office of such clerk their appraisalment and award of the value of such lands, and of the damage sustained by reason of the taking and use thereof.

Appeal.— *Provided, first,* either party may appeal from such appraisalment and award, at any time within thirty days after filing the same, by filing with the clerk of said court a notice of appeal, signed by the party taking the same. In case of an appeal, the clerk shall enter such appeal as an action in said court, naming such school district as plaintiff, and the persons named in such petition

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as owners of and interested in such lands as defendants; and thereupon such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein.

Judgment.— *Provided, second,* in case no appeal shall be taken, the clerk of such court shall enter judgment in favor of the owner of such lands, and against such district, for the amount of the award; and in case of an appeal, the clerk shall in like manner enter judgment for the amount of the verdict and costs, if any, and declaring that, upon payment of the amount of the verdict or assessment, and costs, as aforesaid, to the owner of such lands, or to the clerk of such district court, the title to the lands and real estate aforesaid, for the purposes aforesaid, shall, as against the owners of and parties interested in such lands and real estate, pass to and vest in such school-district, and be and remain therein; and such school-district shall have the right to have and occupy the said lands for the uses and purposes aforesaid.

Judgment roll.— The petition, orders, oaths of commissioners, notices, proofs of service, award and verdict, if any, together with the final judgment, shall constitute the judgment roll.

Payment.— *Provided, third,* in case no person other than the owner of such lands appears in such proceedings; the amount of such judgment shall be by the clerk of such court paid to such owner; in all other cases, the same shall be paid in such manner as the court or judge may direct.

1877, ch. 74, subch. 1, § 10. Same as §§ 5, 6, 7, 8, ch. 26, acts 1875.

SEC. 3393. Fees of commissioners.— The fees of such commissioners, for all services rendered by them under this act, shall be the sum of three dollars each, which, with all other costs of such proceedings, shall be paid by such district.

1877, ch. 74, subch. 1, § 11. Same as § 9, ch. 26, acts 1875.

TITLE 4.

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Acts of congress March 3, 1849, and February 26, 1857, granted sections 16 and 36 for use of schools. Const., art. 8, made the proceeds of the sale of this land a perpetual school fund, and provides for its investment.

SEC. 3394. Taxes — Fines and liquor license for.— For the purpose of maintaining public schools a tax of one mill, to be known as the "State School Tax Fund," shall be levied annually upon the taxable property of the state, which shall be collected as other taxes are collected, and shall be added to the general school fund, which together shall be known as the "Current School Fund," to be apportioned as hereinbefore provided.

County local mill tax.— The county commissioners shall also levy an annual tax of one mill, to be known as the "Local Mill Tax," * on the amount of the assessment made by the assessors of each township for the same year, which tax so levied shall be extended upon the assessment rolls of the year, by the county auditor, in a column for each school district or portion thereof in said county, and this shall be collected in the same manner and by the same persons as other county taxes are collected, except that the school tax shall be collected in gold or silver or United States national currency, and the money so collected shall be paid into the county treasury for the support of the public schools, to be apportioned by the county auditor, who shall distribute to each school district or portion thereof, the amount of tax collected in said district or portion of district in his said county.* *Provided,* that if in any

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case, county commissioners shall neglect, refuse or fail to make such levy as herein provided for, the county auditor shall nevertheless extend the same upon the assessment rolls of the year, the same as if such levy had been so made by the said county commissioners.

Fines and license.— † As a further provision for the support of schools, there shall be set apart by the county treasurer of each county, the proceeds of all fines for the breach of any penal law in this state, not otherwise appropriated by law, and all moneys arising from the issuing of liquor licenses, and from unclaimed moneys arising from the sale of estrays, as provided for by amendment to section ¹ twelve, chapter nineteen of the general statutes.

Accounts by county auditor.— And the county auditor shall open an account with each district or portion of district in his county, and keep an accurate account of all moneys received by or due to each of said districts; and all such matters as are necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any and all of the books in the office of the county treasurer.

1877, ch. 74, subch. 5, § 10, as amended 1881, Ex. S. ch. 27; 1883, ch. 53; 1887, ch. 41. Amendments of 1881 and 1883 inserted the provision that if commissioners fail to make the levy, the auditor shall place levy on assessment rolls, and is contained in the above proviso. Between * * and below † is acts 1877, before amendment. G. S. ch. 36, § 35; 1875, ch. 25; acts 1873, ch. 1, § 42. ¹ Secs. 1946, 1947, *ante*.

SEC. 3395. Appropriation of state fund.— There is hereby annually appropriated of the moneys in the state treasury belonging to the general school fund, a sum equal to the amount of the current school funds due common schools of the state, and agreeably to law apportioned among the several counties by the state superintendent of public instruction.

1877; ch. 74, subch. 5, § 4 — Acts 1873, ch. 1, § 87.

SEC. 3396. Same.— There is hereby annually appropriated all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, sinking fund, inebriate asylum fund, or other funds required to be invested in securities, to be invested in interest bearing bonds of the United States, or of the state of Minnesota issued since the year eighteen hundred and sixty, or of the bonds bearing not less than six per cent. interest of the states of Massachusetts, New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Michigan, Missouri and Iowa.

1875, ch. 105, § 1: "An act in relation to the investment of school, university and other funds." Approved March 9, 1875. Same as ch. 106, acts 1874 (*ante*, § 374).

SEC. 3397. Same.— There is hereby annually appropriated such sums as shall be found necessary for expenses of purchase, and payment of accrued interest at time of purchase, of bonds for permanent school and university funds, payable from general school and university funds, and for expenses and accrued interest of bonds purchased for other funds named in the first section of this act, payable from the funds for which such purchases are made.

1875, ch. 105, § 2.

SEC. 3398. Apportionment of state fund.— The state superintendent of public instruction shall make an apportionment of the available current school funds in the state treasury, among the several counties of the state, on the first Monday in March and the first Monday in October of each year, in proportion to the number of scholars between the ages of five and twenty-one years who have been enrolled and have been in attendance forty days in the public schools, that have had at least five months of term, within the year, by a qualified teacher, and have reported in accordance with the following provisions.

Register of scholars.— *Provided, first*, that every teacher in the public schools of this state shall keep in a register furnished him by the clerk of the

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district a record of the names in full and the number and daily attendance of scholars enrolled in the school, studying and reciting in the same and properly belonging thereto, checking with a cross (X) the names of all under five or over twenty-one years of age, and of all who are charged tuition; the register shall also be so kept as to show the names and number of days of attendance of all pupils between the ages of five and eight years, between the ages of eight and fifteen years, and between fifteen and twenty-one years.

Scholars not counted.— *Provided, second,* that every teacher in the common [school] districts in the state shall, within ten days after the close of the first term in the school year beginning August first, report to the superintendent of schools for the county, on a blank prepared by the state superintendent of public instruction, and distributed through the county superintendent, and to the clerk of the district by returning the register, the names in full of all scholars enrolled in this school, with the number of days each has attended, checking with a cross (X) the names of all under five and over twenty-one years of age, and of all who are charged tuition; and the names so checked shall not be counted in the total enrollment upon which the current school fund is apportioned, and within ten days after the close of each succeeding term of the year, upon a duplicate of the last preceding report for that district, he shall add the new names not enrolled in the preceding report, and in a separate column report the number of days each pupil has attended for the term of his report; all other questions on the blanks shall be accurately answered.

No pay until report made.— *Provided, third,* no clerk of any common [school] district, under the supervision of a county superintendent, shall issue an order to any teacher on which pay for the last month of service can be drawn, until he has evidence that the teacher's report to the county superintendent has been returned, properly filled, and until the teacher has returned to such clerk, as the term report required in this section, the register of the district, kept according to law; nothing herein contained shall prevent any teacher from recovering pay for his services, if it appears that his record has been kept, and the reports thereof made, according to the provisions of this section.

Registers in special districts.— *Provided, fourth,* that in special and independent school districts, such blanks furnished through the county superintendent of schools, and requiring for the entire year the *data* that are required of common school districts each term, shall be properly filled and returned to him within ten days after the close of the last term in the school year, by the superintendent of such schools, or, if there be no such officer, by the teacher of the highest school in the grade; registers in special and independent districts shall be kept, and reports of enrollments shall be made, as in common school districts, and the name of no scholar entitled to enrollment for apportionment shall be counted more than once in the district in any year.

Counted where enrolled.— *Provided, fifth,* children attending school any part of the year in another district than that in which their parents or guardians reside, shall not be counted for apportionment in such other district, if they are enrolled and entitled to apportionment within that year in the district where their parents or guardians reside.

1877, ch. 74, subch. 5, § 1, as amended 1883, ch. 54; 1887, ch. 41. Acts 1883, ch. 54, struck out word "three" and inserted "four." Acts 1887, ch. 41, amended entire section and provided that it take effect August 1, 1887, and that apportionments of October, 1887, and March, 1888, be made on enrollment of preceding year, and apportionment for October, 1888, and March, 1889, be made on enrollment of pupils between five and twenty-one years of age who attended school thirty days during the year preceding in districts that had at least four months' school — G. S. ch. 36, § 33. Acts 1873, ch. 1, § 40.

SEC. 3399. **State superintendent to make apportionment.**— It shall be the duty of the state superintendent of public instruction, when he shall

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make a semi-annual apportionment of the current school funds of the state, forthwith to transmit to the state auditor a certified copy of such apportionment.

1877, ch. 74, subch. 5, § 2 — G. S. ch. 36, § 44, as amended 1870, ch. 6; 1871, ch. 8. Acts 1873, ch. 1, § 84, as amended 1876, ch. 13.

SEC. 3400. Payment, when apportioned.—It shall be the duty of the state auditor, when he shall receive a certified copy of a semi-annual apportionment of the current school fund, as provided in this act, forthwith to draw a warrant on the state treasury, payable to the order of the state treasurer, and to be applied by him on the payments due for state taxes in semi-annual settlements with each county named in such copy of apportionment. If the amount so apportioned to any county shall be larger than the amount of taxes paid to the state in such settlement, the state treasurer shall, in such case, without delay, remit to the county treasurer the excess of such apportionment.

1877, ch. 74, subch. 5, § 3 — Acts 1873, ch. 1, § 86.

SEC. 3401. Apportionment of county school fund.—The auditor of each county, on the last Wednesday of March, and on the last Wednesday of October in each year, shall make apportionments of the money in the county treasury accruing from the current school fund, and from the liquor licenses, estrays and fines, as provided in this act, among the several school districts in the county in which schools have been taught five months within the year by qualified teachers; which apportionment shall be made upon the number of different scholars between the ages of five and twenty-one years, lawfully enrolled in each school, and entitled to apportionment, as reported to him by the county superintendent of schools, and the county auditor shall transmit to the clerk of each district a copy of the apportionment of said district, and such money shall be used only in payment of teachers' wages, including board.

No excess.—*Provided, first,* that no district shall receive from the apportionment an amount greater than that appropriated by the district from its special tax and a local one mill tax.

Liquor license.—*Provided, second,* that no district shall receive any share of the apportionment of moneys accruing from liquor licenses unless all sums paid for such licenses in such district are appropriated to the county school fund.

School for one month.—*Provided, third,* that any district which, for the first year after its organization, shall have made provision for a four months' school, by the levy of a sufficient tax, and shall have begun and continued a school for one month, shall be entitled to its share in the first succeeding apportionment in proportion to the actual enrollment of pupils between the ages of five and twenty-one years, which enrollment shall be reported by the clerk, through the county superintendent, to the superintendent of public instruction and to the auditor of the county in which such district is situated; and these officers shall include such enrollment of scholars in the next succeeding apportionment.

School for four months.—Such district shall also be entitled to a share in each subsequent apportionment for two years succeeding, in proportion to the number of pupils who have been in actual attendance thirty days, on condition that the school is taught four months each year by a qualified teacher.

1877, ch. 74, subch. 5, § 5, as amended 1881, Ex. S. ch. 7; 1883, ch. 54, § 2; 1887, ch. 41. Amendment of 1881 struck out "March apportionment" and inserted "next apportionment." Amendment of 1883 required four months' school, and added at end that the districts be entitled to state apportionment for three years after organization upon condition that schools be supported three months in each year. Acts 1887 amended entire section and contains limitation noted in section. G. S. ch. 36, § 24, as amended 1867, ch. 2. Acts 1873, ch. 1, § 30.

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SEC. 3402. Report of county apportionment.— It shall be the duty of each county auditor in the state, on the last Wednesday of March, and on the last Wednesday of October of each year, to make a report to the superintendent of public instruction, showing the amount of money by him apportioned on that day to the several school districts in his county; the sources from which said money was received into the county treasury; the aggregate number of scholars in the county, and the number of districts receiving a portion of said school money.

1877, ch. 74, subch. 5, § 6 — Acts 1873, ch. 1, § 31.

SEC. 3403. Penalty for failure to report.— Any county auditor failing to report to the state superintendent of public instruction, on the last Wednesday of March, and on the last Wednesday of October in each year, the amount of money by him apportioned on that day to the several school districts of his county, the sources from which such money was received into the county treasury, the number of scholars upon which the apportionment has been made; and the number of districts receiving such apportionments, shall forfeit the sum of fifty dollars to the benefit of the school fund of his county.

1877, ch. 74, subch. 6, § 7.

SEC. 3404. Payment of county apportionment.— The county treasurer, upon the order of the county auditor, shall pay to the treasurer of any school district, and to him only, or to his written order, any money in his hands belonging to said school district, by any apportionment, or by collection of any delinquent tax or other money belonging to said district; but the county treasurer shall pay no school moneys to any district treasurer, until such district treasurer has filed in the office of the county auditor, notice from the clerk of his district, countersigned by the director thereof, that such district treasurer has filed in the office of the district clerk his official oath and bond, as provided in this act.

1877, ch. 74, subch. 5, § 9 — G. S. ch. 36, § 25. Acts 1873, ch. 1, § 33.

SEC. 3405. Apportionment in cities and towns.— Each of the incorporated towns and cities in this state, having, by their several charters, a common or special school system, shall, by its clerk or some proper officer thereof, make to the school superintendent of their county, a report of the enumeration of scholars and of other matters, by this act made necessary to be reported in the manner required of other school districts; and such district shall be entitled to apportionments of public school funds, to be apportioned and drawn substantially as provided by law.

1877, ch. 74, subch. 5, § 8 — G. S. ch. 36, § 39. Acts 1873, ch. 1, § 46.

SCHOOL BONDS AND ORDERS.

SEC. 3406. Authorized.— The trustees or board of education of any school district in this state, whether such district be organized by or under any special law of this state, or otherwise, are hereby authorized and fully empowered to issue the orders or the bonds of their respective districts, with coupons, in such amounts and at such periods as they may be directed by a vote of two-thirds of the legal voters present and voting at any legally called meeting of the same; said orders or bonds to be payable in such amounts and at such times, not exceeding fifteen years, as the legal voters thereof, at such meeting shall determine, with interest not to exceed seven per cent. per annum, which orders or bonds, and coupons shall be signed by the directors and countersigned by the clerk of said district, or by the president of the board of education and the clerk of the board of education. *Provided*, that nothing herein contained shall be construed to authorize the issuing of such orders or bonds unless two-thirds of all the legal voters present and voting, shall vote in favor thereof, at any annual or special meeting of the legal voters of said school district.

1877, ch. 74, subch. 2, § 8, as amended 1881, ch. 41; 1885, ch. 80; 1887, ch. 21. Amendment of 1881 changed interest from twelve to ten per cent.; 1887 increased years from ten to fifteen

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and reduced interest to seven per cent. Acts 1885, ch. 80, amended this section by adding the provision requiring the bonds to be registered, and acts 1887 amended it without mentioning acts of 1885 — Acts 1873, ch. 1, § 35; 1866, ch. 26.

SEC. 3407. Purpose — Negotiation — Registry. — It shall be lawful for the legal voters of any such school district, at any such meeting, to vote upon the question of issuing its orders or bonds, but * no such bonds shall be issued or negotiated under authority of this act by any board of trustees or board of education, for less than par value, nor shall such bonds or the proceeds thereof, be used or appropriated for any purpose other than the purchase of a site for, and in the erection, completing and furnishing of a school-house in and for the district issuing such bonds,* or in payment of the indebtedness incurred by the erection [of] and furnishing of a school-house already constructed in and for such school district, or for refunding such school district's indebtedness.†

File proceedings. — Immediately after the issuing of orders or bonds pursuant to the provisions of this and the next preceding section, the clerk of the school district so issuing its orders or bonds shall file with the county auditor of the county within which such district is situate, certified copies of all the proceedings had in such district relative to the issue of such bonds or orders.

Duty of auditor. — Before any bonds or orders issued under the provisions of this and the next preceding section are sold or disposed of, they shall be presented to the county auditor of the county within which the school district issuing the same is situate. He shall carefully examine the records of the proceedings of such school district upon the question of issuing such bonds or orders, as the same are filed with him, as hereinbefore directed, and shall satisfy himself by the evidence thus furnished, whether or not all the laws of the state of Minnesota relative to the issue of such bonds or orders have been complied with; and if satisfied that they have been and that the orders or bonds in question have been legally issued, he shall, in a book kept for such purpose, preserve a registry of each bond or order, showing in separate columns or entries, the name of the school district issuing the bond or order, the number of such bond or order, the denomination thereof, the date of its issue, the date when it will mature, the names of the school officers executing the same, and such other facts as may be pertinent, and he shall then endorse on each of said bonds or orders the following certificate:

"I hereby certify that the within bond (or order) for — (\$ —) dollars, issued by — school district — of — county, Minnesota, is issued in accordance with law, and is a legal and valid debt of said school district, that said bond or order is duly registered in this office, and that said school district is legally organized, and that the signatures affixed to said bond or order are the genuine signatures of the proper officers of such district."

The blanks shall be filled according to the facts, and the certificates officially signed by the county auditor and attested by his official seal.

1877, ch. 74, subch. 2, § 9, as amended 1879, ch. 14; 1887, ch. 21; 1889, ch. 164. Between * * is acts 1877. Amendment of 1879 added the sentence "or for the refunding of the bonded indebtedness." Acts 1889 added matter below †. Acts 1887 added the residue. Acts 1889, ch. 164, is substantially acts 1885, ch. 80, which was enacted as an amendment to preceding section, except that the latter contained the provision inhibiting the courts from questioning such bond or order. Acts 1873, ch. 1, § 36.

SEC. 3408. Tax to pay. — The board of trustees or board of education of any district issuing such bonds shall, on or before the tenth day of October next after the date of such bonds, and each and every year thereafter, on or before the tenth day of October, until the payment of such bonds and interest is fully provided for, levy, and in due form certify to the auditor of the county or counties in which such district is situated, a tax upon the taxable property of such district, equal to the amount of principal and interest maturing next after such levy, and, in the discretion of the board, such further

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sum as it shall deem expedient, not exceeding twenty per cent. of such maturing bonds and interest, which taxes shall be paid in money, and shall constitute a fund for the payment of such bonds, and the interest thereon.

1877, ch. 74, subch. 2, § 10 — Acts 1873, ch. 1, §§ 37, 39.

BONDS AND ORDERS LEGALIZED.

SEC. 3409. Between February, 1866, and March, 1867.—All taxes levied, or orders or bonds issued, since February twenty-eighth, eighteen hundred and sixty-six, and prior to March first, eighteen hundred and sixty-seven; by school-districts in this state, for purchasing site for, and the erection, completion and furnishing school-houses, are hereby legalized and declared valid.

1877, ch. 74, subch. 2, § 11.

SEC. 3410. By independent districts.—That all bonds the issuance of which has, since the first day of October, A. D. one thousand eight hundred and eighty-two, been authorized by the voters of any independent school district of this state, and which, by the terms of the resolution authorizing their issue, are payable after more than ten years, allowed by law for their maturity, are, as respects the time of their payment or maturity hereby legalized, and the proceedings authorizing their issue legalized and confirmed; so that all such bonds shall be of the same validity as though authorized and conditioned to be payable within the said period of ten years.

1883, ch. 88: "An act to legalize the action of certain independent school districts respecting the issuance of bonds." Approved January 17, 1883.

SEC. 3411. County auditor's certificate.—Wherever the county auditor of any county has heretofore certified upon any school district bond, or order issued by any school district within his county, that such bond or order is issued in accordance with law and is a legal and valid debt of the school district issuing such bond or order, such certificate shall have the same force and effect as it would have, had such act been expressly authorized at the time such certificate was made.

1889, ch. 163: "An act legalizing the acts of county auditors who have certified to the validity of school district bonds and orders." Approved April 24, 1889.

TAX TO PAY BONDS WHEN NO TRUSTEES.

SEC. 3412. Auditor to levy.—Whenever the trustees of any school district shall have duly issued any bond, coupon, order or other evidence of indebtedness of such school district, and a majority of the trustees of such school district shall afterwards cease to act or their offices otherwise become vacant and such vacancy shall not be filled before the tenth day of October next preceding the time when such indebtedness shall become due and payable, so as to prevent the levying and certifying by the trustees of such district to the county auditor of the county of the tax for the payment of such indebtedness at the proper time, the holder of any such bond, coupon, order or other evidence of such indebtedness, may at any time, between the tenth day of October aforesaid and the time when the annual tax lists are next thereafter, or in any subsequent year, made out by the county auditor, file the same in the office of the county auditor of the county in which such school district is situated.

1885, ch. 173, § 1: "An act entitled an act to provide for the collection and payment of bonds, coupons, orders, and other evidences of indebtedness issued by school districts, when the offices of the trustees of such school district have become vacant." Approved March 7, 1885.

SEC. 3413. Publication.—Defense.—It shall be the duty of the county auditor to file all such bonds, coupons, orders and evidences of indebtedness, and to keep a record of the filing thereof and the date when filed, and he shall immediately cause a notice of such filing, setting forth the nature and

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amount of said claim, to be published for three successive weeks in the newspaper in which was published the delinquent tax list of such county for the year last past; the cost of publishing such notice shall be paid by the person filing such claim at the time of filing the same, and he shall, at the time of making out such tax lists next after the date of such filing, levy upon the taxable property of the school district by the trustees of which such bond, coupon, order or other evidence of indebtedness was issued, a tax sufficient to pay the amount thereof, with interest, if any is payable thereon, and extend the same upon the tax lists of the proper district, and said tax shall be collected in the same manner and by the same officers as state and county taxes are collected, and shall be subject to the same penalties for the non-payment thereof.

Defense.—*Provided*, no tax shall be levied by the county auditor, under the provisions of this act, if a written notice, signed by not less than three persons who would be affected by such tax levy, setting forth that such school district has a just and valid defense against the payment of said claim, be served upon him, before the expiration of twenty days, after the last publication of the notice provided for in the foregoing section.

1885, ch. 173, § 2.

SEC. 3414. Payment.— After the completion of such tax lists and on or before the first day of December, in each year, the county auditor of each county shall make a copy of the record of filing all bonds, coupons, orders, and other evidences of indebtedness filed in his office as aforesaid, for the payment of which, a tax is extended upon the tax lists of that year, and certify and deliver such copy to the treasurer of said county, and shall upon request, surrender and deliver such bonds, coupons, or orders, and evidences of indebtedness to the person or persons, respectively entitled to receive the moneys payable thereupon, and the county treasurer shall, upon presentation and surrender to him of any such bond, coupon, order or evidence of indebtedness, pay to the person presenting the same, the amount due thereupon, in the order in which they are filed in the office of the county auditor, out of any moneys in his hands, collected for the payment of such indebtedness.

1885, ch. 173, § 3.

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SEC. 3415. Resolution of county commissioners.— When any county in this state wishes to obtain a loan from said fund, the commissioners of said county shall at a regular or special session adopt a resolution, that the county of — make an application to the state for a loan of — dollars, to be used in paying for the erection of a — building for the use of said county of —. Such resolution shall also state by what authority the county is authorized to make such loan.

Report of auditor.— The county auditor shall report said resolutions to the state auditor and shall also certify to the last taxable valuation of said county, together with the bonded and floating indebtedness, if any, and the amount of money in the county treasury applicable for the payment of such indebtedness, the report and resolutions shall be signed by the county auditor and the chairman of the county board.

1887, ch. 193, § 1: "An act to provide for the loaning of the permanent school fund of the state as authorized by chapter one (1), General Laws of one thousand eight hundred and eighty-five (1885)." Approved March 5, 1887.

SEC. 3416. Application for loan.— When any school district in this state desire to procure a loan from said fund, said district shall at a regular or special meeting vote upon the following resolution:

Resolved, that District No. —, in the county of —, state of Minnesota, hereby makes application to the state for a loan of — dollars, to be used in paying for the erection of a school house in said district, and that the bonds

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of said district for the sum of — dollars be issued therefor. The vote upon such resolutions shall be by ballot. Those voting for such resolution shall use ballots on which shall be written or printed or partly written and partly printed the words "for bonds." Those voting against said resolution shall use ballots on which shall be written or printed or partly written and partly printed the words "against bonds." If a majority of the qualified electors voting upon such resolution shall vote in favor of it, the chairman shall declare the resolution adopted.

Report of clerk.— Within five days after the adjournment of said meeting, the clerk of said district shall make out and forward to the state auditor an accurate account of the proceedings of said meeting which shall include the number of votes cast for and against said resolution together with a certified copy of the notice posted calling said meeting, and if called upon a petition, he shall furnish a certified copy of such petition.

He shall also furnish an accurate description of the land embraced in said district, and the amount of the bonded or floating indebtedness. He shall also transmit a certified statement of the county auditor showing the last taxable valuation of real and personal property in said district. The above report shall be signed by at least one of the duly qualified district officers and be attested by the district clerk.

1887, ch. 193, § 2.

SEC. 3417. Of independent districts.— Any independent school district or "board of education" of any town or city desiring to obtain a loan shall substantially conform as near as may be to the requirements of section two of this act.

1887, ch. 193, § 3.

SEC. 3418. Application to be approved.— No application shall be formally accepted by said board, until the regularity of such application in conforming to the forms of law applicable thereto, shall have been approved by the attorney-general.

1887, ch. 193, § 7.

SEC. 3419. Action of board of investment.— The board of investment created by chapter¹ one of the general laws of one thousand eight hundred and eighty-five, shall meet at the state capitol on the first Monday of each month for the purpose of considering such applications as may have been made. The acceptance of applications at each meeting shall be in the following order:

First. Common school districts.

Second. Independent school districts.

Third. High school districts.

Fourth. Counties.

The said board shall have authority to require such additional information regarding any application as may seem necessary, and to reject any applications which from its terms of payment or otherwise may be deemed unsatisfactory, and shall also furnish such blanks as may be necessary for the purpose of carrying this act into effect.

1887, ch. 193, § 4. The reference in this section should be to Const. art. 8, § 5, as amended. Adopted November 2, 1886. Acts 1885, ch. 1, proposed the amendment. ¹ This chapter of acts 1885 proposed an amendment to Const. art. 8, § 5, which was adopted November 2, 1886.

SEC. 3420. Secretary of board.— The state auditor shall act as secretary of the board, and shall make an accurate record of all the proceedings in detail — a summary of which shall be reported to the legislature at its regular sessions.

1887, ch. 193, § 8.

SEC. 3421. Bonds for loan.— When any application for a loan shall be accepted, the proper officers of the county or school district shall execute and

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sign such bonds in such form as the said board of investment shall determine. And on the presentation of such bonds to the state auditor, he shall draw his warrant on the state treasurer for the amount payable from the permanent school fund, to the order of the treasurer of the proper county or school district. Said bonds shall be indorsed "Minnesota school fund bond," transferable only on the order of the governor, auditor and state treasurer. He shall at once deposit such bonds with the state treasurer, taking his official receipt therefor. And no money shall be paid over by the state treasurer on account of such bonds, until they shall be delivered to him as above provided.

1887, ch. 193, § 6.

SEC. 3422. Principal and interest.— All principal and interest shall fall due on the first (1st) day of July of the properly designated year. And no principal or interest shall fall due until sufficient time shall elapse after making a loan for a tax to be levied and collected therefor.

1887, ch. 193, § 5.

TITLE 5.

COUNTY SUPERINTENDENTS OF SCHOOLS.

SEC. 3423. Election — Term of office.— In each county of this state, having organized school-districts, there shall be elected, at the general election in 1877, and biennially thereafter, a county superintendent of schools, who shall hold the office for the period of two years from the first Monday in December following the date of the election, and until a successor is elected and qualified: *provided*, that in counties where county superintendents of schools were elected in the year 1876, they shall continue in office until their successors shall be elected at the general election in 1878.

1877, ch. 74, subch. 4, § 1 — Const. art. 7, § 9, as amended November 6, 1883, provides that "all terms of office shall terminate" on first Monday in January, and *arguendo* begin on that day. G. S. ch. 36, §§ 45, 46. Acts 1869, ch. 1; 1870, chs. 4, 5; 1871, ch. 2; 1872, ch. 6. Acts 1873, ch. 1, § 58, as amended 1875, ch. 23; 1876, ch. 17. 33 M. 347.

SEC. 3424. Name and address sent to state superintendent.— The county auditor of each county shall transmit to the state superintendent of public instruction the name and postoffice address of the superintendent of schools in his county, as soon as such officer has been qualified.

1877, ch. 74, subch. 5, § 7 — G. S. ch. 36, § 47. Acts 1873, ch. 1, § 32.

SEC. 3425. Compensation. — Expenses — Visit schools.— The compensation of county superintendents of schools shall be fixed by the county board of commissioners, and paid in the same manner as the salaries of other county officers are paid. Such compensation shall not be less than at the rate of ten dollars for each organized district in the county; * to be reckoned *pro rata* for the year, from the time of the commencement of the first school in the district,* and may be any higher sum that the county board of commissioners shall determine, not exceeding eighteen hundred dollars per annum.

Expenses.— County superintendents of schools shall be furnished by county auditors, at the expense of the county, with stationery needed in the examination of teachers, and for official correspondence. The county shall also pay itemized and attested bills for postage incurred in official correspondence, and in forwarding official documents to teachers, clerks, and to the state superintendent of public instruction; and also express charges on packages sent by this officer for use in the county. Such bills for printing notices, circulars, lists of questions, and annual reports, as the county superintendent may deem necessary, shall also be paid by the county.

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SECS. 3426-3429.] EDUCATION — COUNTY SUPERINTENDENTS OF SCHOOLS.

Visit schools.— *Provided*, that county superintendents shall, on the first day of July, October, January and April, in each year, file with county auditors a statement of the number of schools visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of visitation, and shall be verified by oath or affirmation.

1877, ch. 74, subch. 4, § 4, as amended 1881, ch. 41. Amendment struck out, "but if number of districts exceed one hundred, the compensation shall not be less than one thousand," and inserted matter between * *. G. S. ch. 36, § 53. Acts 1873, ch. 1, § 60.

SEC. 3426. Vacancy.— In case of a vacancy in the office of county superintendent of schools, in any county, its board of county commissioners shall appoint some person to serve until the next general election; and if such election be not in the regular year for electing county superintendents of schools, the vacancy shall be filled by election for the remainder of the regular term of office; and any person so elected to fill such vacancy shall enter upon the duties of the office as soon as the result of the election is known.

1877, ch. 74, subch. 4, § 2 — G. S. ch. 36, § 43. Acts 1873, ch. 1, §§ 59, 61.

SEC. 3427. General duties.— County superintendents of schools shall examine and license teachers, and annul certificates for cause shown; visit and instruct the schools of their counties at least once in each term, and give such advice to the teachers as may be requisite and necessary; they shall organize and conduct at least one institute for the instruction of teachers in each year, if they deem the same expedient; encourage teachers' associations; introduce to the notice of teachers and the people the best modes of instruction, the most approved plans of building and ventilating school-houses, of ornamenting and adapting school grounds to convenience and the healthful exercise of children; stimulate school officers to the prompt and proper discharge of their duties; receive the reports of school-district clerks and teachers, and transmit an abstract of the same to the state superintendent, adding thereto a written statement on the condition and prospects of the schools under their charge, together with such other information and suggestions as they think proper to communicate. To insure accuracy and uniformity in such reports, county superintendents may, annually, at suitable times and places, call conventions of district clerks in their counties, to continue in session one day, considering methods of obtaining or reporting statistics, and discussing other matters involving such educational topics and interests as may come within the sphere of district and county school officers.

1877, ch. 74, subch. 4, § 5 — G. S. ch. 36, § 49. Acts 1873, ch. 1, § 62.

SEC. 3428. Distribute blanks, reports and circulars.— County superintendents shall receive from the state superintendent, and forward to the several teachers and clerks of districts, such blanks, reports and circulars as shall be forwarded to them for that purpose, and shall be guided generally in the discharge of their duties by the rules laid down by the state superintendent.

1877, ch. 74, subch. 4, § 11 — Acts 1873, ch. 1, § 68. 33 M. 347.

SEC. 3429. Examine and license teachers.— Every county superintendent of schools shall hold, each spring and fall, in and for his county, at least three meetings for the examination and licensing of teachers, one of which shall be held at the county seat, of which meeting at least ten days' notice shall be given by publication in the newspapers of the county, and the posting of such notices in such public places as may be deemed necessary by the county superintendent; and the expense of such publication shall be paid by the county. The examination thus held shall be public, and be conducted by both written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given by any county superintendent, except upon his own personal examination, held in accordance with the provisions of this section; *provided*, that any

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* EDUCATION — COUNTY SUPERINTENDENTS OF SCHOOLS. [SECS. 3430-3433.]

teacher may be examined by the county superintendent at any time other than as above specified, on proof that such teacher was unable to be present at a public examination, and on payment to the county superintendent of fifty cents for making such private examination.

1877, ch. 74, subch. 4, § 6—G. S. ch. 36, §§ 28, 29, 30, 31, 32, provided for examination by examiner appointed by county commissioners. G. S. ch. 36, § 50, as amended 1872, ch. 3. Acts 1873, ch. 1, § 63. Acts 1873, ch. 1, §§ 89, 90, provided for state certificates, which was not carried into law of 1877, ch. 74.

SEC. 3430. Same—Subjects of examination—Grades.—County superintendents shall examine persons proposing to teach common schools in the county, in orthography, reading in English, penmanship, arithmetic, grammar, modern geography, history of the United States, and the practical, elementary facts of hygiene, asking questions to test the general knowledge of candidates, and their ability to impart oral instruction relating to the subjects treated in the text-books. If satisfied that the candidates are of good moral character, and qualified to teach in all the aforesaid branches, certificates shall be granted, the grade of which shall be determined by the examination. County superintendents are authorized to issue three grades of certificates, viz.: first grade, valid in the county for two years; second grade, valid in the county for one; third grade, valid in a given district only, for six months. County superintendents may renew certificates, at their expiration, by endorsement thereon: *provided*, that in addition to the above branches prescribed in this section, all applicants for first-grade certificates shall be examined in elementary algebra, elementary plane geometry, physical geography, physiology, natural philosophy, civil government, and the theory and practice of teaching; and no person shall receive a first-grade certificate who has not taught with success at least one term of school, not less than three months in length.

1877, ch. 74, subch. 4, § 7—G. S. ch. 36, § 51, as amended 1872, ch. 3. Acts 1873, ch. 1, § 64.

SEC. 3431. Same—Record of.—County superintendents shall keep records of all examinations, in books provided for that purpose by their counties, and of all candidates to whom they grant certificates, noting the date of examination, the name, sex and age of each candidate, and the grade of the certificate granted.

1877, ch. 74, subch. 4, § 8—Acts 1873, ch. 1, § 65. 32 M. 478.

SEC. 3432. Same—In independent districts.—County superintendents, at the request of independent school-districts, may examine persons to teach in such districts; and their certificates, in the form prescribed by the law authorizing the organization of such districts, when countersigned by the board of examiners of the district, shall be valid as the act of such examiners.

1877, ch. 74, subch. 4, § 9—Acts 1873, ch. 1, § 66.

SEC. 3433. Re-examinations—Revocation of license.—A county superintendent may cite to re-examination any person holding a license and under a contract to teach any common school in the county, 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 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*, 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.

1877, ch. 74, subch. 4, § 10—Acts 1873, ch. 1, § 67. 32 M. 477.

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SECS. 3434-3439.] EDUCATION — COUNTY SUPERINTENDENTS OF SCHOOLS.

SEC. 3434. Same — Use of school-houses.— County superintendents of schools shall for the purpose of conducting institutes and teachers' examinations, be granted the free use of such school-houses as they may require for the time actually employed in conducting such institutes and examinations; and it is hereby made the duty of the several school-district officers in this state to furnish county superintendents the use of the school-houses in their several districts for the purposes aforesaid, provided it does not interfere with the session of schools.

1878, ch. 95, § 1: "An act to authorize county superintendents of schools to hold institutes and teachers' examinations in certain school-houses and to define the duties of certain school officers." Approved February 12th. Acts 1887, ch. 120, amended this section by inserting the words "in the case of institutes" after the word provided, and limiting the application of the amendment to Goodhue county only.

SEC. 3435. Same — Notice of.— Any county superintendent intending to avail himself of the benefits of the foregoing section, shall give at least ten days' notice of such intention, to the clerk of the proper school-district.

1878, ch. 95, § 2.

SEC. 3436. Deputy county superintendent.— Any county superintendent, in case of physical inability to visit his schools or examine his teachers at the proper time, may appoint a deputy superintendent, who shall be paid by him for his services; but no such deputy or deputies shall serve in any county more than sixty days, in all, in any one year.

1877, ch. 74, subch. 4, § 14 — Acts 1873, ch. 1, §§ 71, 72.

SEC. 3437. Assistant county superintendent.— In any county having one hundred or more school districts, the county superintendent of schools, with the consent of the county board of commissioners, may appoint an assistant for twenty days' work in visiting schools in the first part of each term, winter and summer, and such assistant, so appointed, shall be paid by the county at the rate of three dollars a day, and necessary traveling expenses, for every day of actual service, not exceeding forty days in any one year, and such assistant shall work under the direction of the county superintendent, and report to him.

* That in any county having one hundred [and] seventy-five or more organized school districts, the county superintendent of schools of such county may appoint an assistant superintendent of schools, said appointment to be confirmed by the board of county commissioners.

The duties of such assistant superintendent shall be, to assist in all the general duties prescribed to be done by the county superintendent, under whose direction the same shall be performed, and to whom report shall be made.

Salary.— The salary of such assistant superintendent shall be fixed by the board of county commissioners at any amount not to exceed fifteen hundred dollars per annum, to be paid monthly as salaries of other county officers.

1877, ch. 74, subch. 4, § 15, as amended 1885, ch. 12, by adding matter below *. 33 M. 347.

SEC. 3438. Report for county auditor.— It shall be the duty of the county superintendent of schools, on the day before the last Wednesday of October in each year, to file with the county auditor an abstract of the number of different scholars enrolled in each school within the year, and entitled to be counted for apportionment from the current school fund, together with the length of each school in months.

1877, ch. 74, subch. 4, § 13 — Acts 1873, ch. 1, § 70.

SEC. 3439. Report for state superintendent.— On or before the twentieth day of September in each year, county superintendents of schools shall report to the state superintendent of public instruction, the number of different scholars between the ages of five and twenty-one years, properly enrolled in the school of each district. In ascertaining this number for this report, and

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also for his report to the county auditor, the county superintendent shall carefully examine the list of names from each district, and see that no scholar is counted more than once as a member of the school in any district, and that no one is included who is not entitled to an apportionment under the terms of this act. This report to the superintendent of public instruction shall also give tabulated extracts, as required on the blank, from the reports of teachers and clerks to the county superintendent of schools.

1877, ch. 74, subch. 4, § 12, as amended 1885, ch. 57. Amendment struck out October and inserted September. G. S. ch. 36, § 52 — Acts 1873, ch. 1, § 69.

SEC. 3440. Penalty for failure to report.— If any county superintendent of schools shall fail to make and report to the auditor of his county on the day before the last Wednesday in October in each year, an abstract of the annual reports of the several district clerks and teachers in his county, showing, in tabular form, the number of scholars enrolled in each district, and entitled to apportionments from the current school fund, and the number of months of school taught by qualified teachers in each district for the year ending the thirty-first day of the preceding August, as shown by the annual reports of school district clerks and teachers, legally made to him for the school year ending August the thirty-first; or to make his statistical and written report to the state superintendent of public instruction on or before the twentieth of October in each year, embracing the several items required by this act, such superintendent shall be deemed guilty of a misdemeanor, and he shall forfeit, for every such omission, the sum of fifty dollars, to be deducted from his salary by the county commissioners.

1877, ch. 74, subch. 6, § 6 — Acts 1885, ch. 57, § 1, amending § 2, subch. 2, ch. 74. Acts 1877 (*ante*, § 3305) provides for ending of term last day of July, which may supersede "August" in above section. Acts 1873, ch. 1, § 52.

SEC. 3441. Transfer records to successor.— Every county superintendent of schools, on retiring from office, shall deliver, for his successor, to the county auditor, the records of his office, a list of the school-district clerks of the county, with their post-office addresses, and of all common-school teachers under contract in any district, together with all printed blanks, registers, copies of school laws, and other state or county property that may be in his possession; and no county auditor shall make full payment of salary to any county superintendent of schools, retiring from office, until he has complied with the requirements of this section.

1877, ch. 74, subch. 4, § 3. 33 M. 347; 32 M. 478.

TITLE 6.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 3442. Appointment — Term — Oath.— The superintendent of public instruction shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of two years, commencing on the first Tuesday in April following such appointment; and before entering upon the duties of his office, he shall take and subscribe an oath, or make affirmation, 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, which oath or affirmation shall be filed in the office of the secretary of state.

1877, ch. 74, subch. 3, § 1. Const. art. 7, § 9, as amended November 6, 1883, provides that "all terms of office shall terminate" on first Monday in January, and *arguendo* begin on that day — G. S. ch. 36, § 40. Acts 1867, ch. 7. Acts 1872, ch. 1, § 77.

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SECS. 3443-3449.] EDUCATION — STATE SUPERINTENDENT.

SEC. 3443. Office — Records.— An office shall be provided for him at the seat of government, in which he shall file all papers, reports and public documents transmitted to him by county superintendents, county auditors, and from other sources; and he shall keep a fair record of all matters pertaining to his office.

1877, ch. 74, subch. 3, § 2 — Acts 1873, ch. 1, § 78.

SEC. 3444. Compensation — Contingent expenses.— He shall receive annually a salary of twenty-five hundred dollars, and also all necessary contingent expenses for traveling, postage, and stationery pertaining to his office, to be audited and paid as the salaries and contingent expenses of other state officers: *provided*, that his contingent expenses for these purposes shall not exceed the sum of one thousand dollars in any year.

Clerk.— He shall be allowed and shall keep a clerk in his office, who shall receive a salary of twelve hundred dollars per annum.

1877, ch. 74, subch. 3, § 3, as amended 1885, ch. 94, by increasing contingent expenses from five hundred to one thousand dollars. Acts 1873, ch. 1, § 79.

SEC. 3445. Assistant.— That the superintendent of public instruction be required to appoint an assistant, who shall be known as assistant superintendent, to perform such service in the department as may be assigned him by the superintendent, and that his salary be fifteen hundred dollars per annum.

1883, ch. 145, § 1: "An act to provide for the appointment of an assistant by the superintendent of public instruction." Approved March 3, 1883. See ch. 7, *ante*.

SEC. 3446. Clerical assistance.— That the superintendent of public instruction be allowed sixteen hundred dollars per year for necessary clerical assistance.

1883, ch. 145, § 2, as amended 1887, ch. 233. Acts 1885 only allowed \$50 per month or \$600 per year.

SEC. 3447. Meet county superintendents.— It shall be the duty of the state superintendent to meet the county superintendents of each judicial district, or two or more districts combined if he shall deem it more conducive to the interests of education, at such time and place as he shall appoint, giving due notice of such meeting, the object of which shall be to accumulate valuable facts relative to schools, to compare views, discuss principles, and in general to listen to all communications and suggestions, and enter into all discussions relative to the compensation of teachers, their qualifications, branches taught, methods of instruction, text-books, district libraries, apparatus, teachers' institutes, visitation of schools, and other matters embraced in the public-school system.

1877, ch. 74, subch. 3, § 4 — Acts 1873, ch. 1, § 80.

SEC. 3448. Prepare and distribute blanks and registers.— The state superintendent of public instruction shall prepare and distribute, through the county superintendents of schools, suitable school registers, blanks for teachers' and clerks' reports to the county superintendents, blanks for the reports of county superintendents and county auditors to the state department of public instruction, blank books for records of district treasurers and clerks, and such blank forms as are necessary to the proper transaction of the business of school-districts; and the state superintendent of public instruction is hereby authorized to procure such blanks, blank books and registers, from the party who has contracted to furnish the same to the state, which contract shall be let by the commissioner of printing to the lowest bidder, in the same manner as other printing, blanks and paper are let.

1877, ch. 74, subch. 3, § 9 — G. S. ch. 36, §§ 33, 43. Acts 1873, ch. 1, § 88.

SEC. 3449. Obtain opinion of attorney general.— If any differences of opinion arise among the officers empowered to carry out the provisions of this act, relative to the legal construction of the same, the attorney general,

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on the written application of the superintendent of public instruction, submitting such questions of doubt or difference, shall give his legal opinion in writing to such superintendent on the points thus submitted; and his opinion thus given shall be binding, until annulled by the judgment or decree of a court of competent jurisdiction.

1877, ch. 74, subch. 2, § 30 — G. S. ch. 36, § 37. Acts 1873, ch. 1, § 44.

SEC. 3450. Make annual report.—The state superintendent shall prepare, on or before the fifth day of December, and submit through the governor, to the legislature, in each year, a report containing —

First. An abstract of the common-school reports received by him from the several county superintendents, showing the number of organized school-districts in the state, the number of schools taught, and the enrollment and average attendance in the same.

Second. A statement of the condition of public schools, and of all other institutions of learning in the state that may report to him.

Third. The amount of school moneys collected and expended each year from all sources, specifying the amounts from each source respectively.

Fourth. All matters relating to his office, the public schools of the state, and the school fund, the number and character of teachers, and whatsoever he may deem expedient to communicate.

1877, ch. 74, subch. 3, § 8 — G. S. ch. 36, §§ 41, 42. Acts 1873, ch. 1, § 94.

TITLE 7.

TEACHERS' INSTITUTES — TRAINING SCHOOLS.

SEC. 3451. Duties of state superintendent.—The superintendent of public instruction shall annually hold in the sparsely-settled counties as many state teachers' institutes as he shall find practicable, each to continue in session one week at least. He shall give due notice thereof to all teachers and persons proposing to become such, and invite their attendance. He shall attend and have charge of each institute; invite the aid and co-operation of the superintendent of schools for the county; employ suitable instructors and lecturers to give instruction and addresses, to aid the teachers in qualifying themselves for a more successful discharge of their duties: *provided, first*, that the average expense of such institutes shall not exceed one hundred dollars a week.

Training schools.—He shall annually, in so many and such thickly-settled localities as he may deem advisable, organize and, with the aid of others selected by himself, conduct normal training schools for the benefit of teachers who desire such training but are unable to attend a full course at the state normal schools. Such schools shall be without charge for attendance and entirely practical, their object being to impart normal methods of teaching and conducting schools, particularly common schools. They shall continue at least four and not more than six weeks at each place, and the average cost of them shall not exceed one hundred dollars for each week of the session:

Teachers to attend institute.—*Provided, second*, that during the time of holding a teachers' institute in any county of this state, it is hereby made the duty of all teachers, and persons desiring a teacher's certificate, to attend such institute, or present to the county superintendent satisfactory reasons for not so attending, before receiving such certificate; and any school that may be in session in such county shall be closed, if the teacher shall request it, for the purpose of attending such institute; but the district shall not be liable for the wages of such teacher while such school is closed.*

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Instructor.—*Provided, third,* that whenever any county will pay for two weeks the salary and expenses of a person selected by the county superintendent of schools to give instruction in a teachers' institute for the county, and will provide free of charge to the state a suitable room for such institute, the superintendent of public instruction shall supply and meet the expenses of an institute instructor to teach for two weeks in such institute, under the joint direction of himself and the superintendent of the county; the latter of whom shall make all necessary local arrangements for the institute, and preside at its sessions. *Provided further,* that the trustees or the board of education in any school district shall have power to permit any teacher in its school to attend a teachers' institute to be held in the county for a period of not more than two weeks in any school year, and to continue the salary of the teacher while attending such institute.

1877, ch. 74, subch. 3, § 5, as amended 1881, ch. 41. Amendment below *. Acts 1873, ch. 1, § 81.

SEC. 3452. When to be held.—A second institute shall not be held in any county, under the provisions of this act, till a session has been held in every county of the state where the number of teachers, or the interests of the schools, in the judgment of the superintendent, shall demand it.

1877, ch. 74, subch. 3, § 7 — Acts 1873, ch. 1, § 83.

SEC. 3453. Free use of schools for institutes.—County superintendents of schools shall, for the purpose of conducting institutes and teachers' examinations, be granted the free use of such school houses as they may require for the time actually employed in conducting such institutes and examinations, and it is hereby made the duty of the several school district officers in this state to furnish county superintendents the use of the school houses in their several districts for the purposes aforesaid, provided it does not interfere with the session of schools.

1878, ch. 95, § 1: "An act to authorize county superintendents of schools to hold institutes and teachers' examinations in certain school houses, and to define the duties of certain school officers." Approved February 12, 1878.

SEC. 3454. Notice to use school.—Any county superintendent intending to avail himself of the benefits of the foregoing section, shall give at least ten days' notice of such intention, to the clerk of the proper school district.

1878, ch. 95, § 2.

SEC. 3455. School to close for teacher to attend.—Any school that may be in session in a county at the time of holding a state institute for that county, shall be closed for one week upon the requirement of the superintendent of the county for the purpose of allowing the teacher to attend the institute; and the teacher shall be allowed to make up [the time so lost, upon presenting to the clerk of] the district a certificate of the county superintendent attesting said teacher's attendance at the institute.

1883, ch. 137, § 2.

SEC. 3456. Fund for — Disbursement — Accounts.—To defray the expenses of institutes and normal training-schools, provided for in section five, three thousand dollars are hereby annually appropriated, to be drawn in advance by the state superintendent of public instruction, upon warrants issued by the state auditor, upon the requisition of the said state superintendent, approved by the governor, in such amounts as may be necessary to meet the expenses that may accrue during the progress of such institutes and training-schools. The state superintendent shall render an account of his disbursements of such funds to the state auditor to be examined and audited by him.

1877, ch. 74, subch. 3, § 6 — Acts 1873, ch. 1, § 82.

SEC. 3457. Additional.—That the sum of two thousand dollars in addition to the sum now allowed by law, be appropriated for the year one thou-

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sand eight hundred and eighty-three, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state institutes under the direction of the superintendent of public instruction.

1883, ch. 137, § 1: "An act to provide for state institutes." Approved March 3, 1883.

SEC. 3458. **Additional.**— That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-five, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state institutes under the direction of the superintendent of public instruction.

1885, ch. 280: "An act to appropriate money for defraying the expenses of state institutes." Approved March 5, 1885.

SEC. 3459. **Additional.**— That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-seven and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state teachers' institutes, and for institutes of instruction in normal methods in the elementary departments of graded schools, under the direction of the superintendent of public instruction.

1887, ch. 220: "An act to appropriate money for the support of state teachers' institutes." Approved March 8, 1887.

TITLE 8.

HIGH SCHOOLS.

Acts 1878, ch. 92, is superseded by acts 1881, ch. 144, which constitutes this title.

HIGH SCHOOL BOARD.

SEC. 3460. **Constituted.**— The governor, superintendent of public instruction, and the president of the University of Minnesota, ex-officio, are hereby constituted a board of commissioners on preparatory schools for the encouragement of higher education in this state. This board shall be called the "High School Board," and shall perform the duties and have and exercise the powers hereinafter mentioned.

1881, ch. 144, § 1: "An act for the encouragement of higher education." Approved March 8, 1881. Superseded but substantially same as § 1, ch. 92, acts 1878, except that the governor is added to board.

SEC. 3461. **Compensation — Expenses.**— The members of said board shall serve without compensation, but the actual and necessary expenses of the board and of any examiner appointed by them, shall be paid in the same manner as those of state officers: *provided*, that the total expenses including the apportionments to the schools aforesaid, shall not¹ exceed twenty thousand dollars in any one year.

1881, ch. 144, § 6. Acts 1878, ch. 92, § 6, compensated the appointed member and limited amount to \$9,000; otherwise same as above. ¹Acts 1883, ch. 151, increased appropriation \$3,000, and acts 1887, ch. 256, \$2,000, which would make the limit \$25,000. *Post*, §§ 3470-3471.

SEC. 3462. **Rules and regulations.**— The said board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance of schools, courses of studies, and other proceedings under this act.

1881, ch. 144, § 7. Acts 1878, ch. 92, § 7, did not contain "acceptance of schools, courses of studies." Otherwise same.

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SEC. 3463. Assistant examiner.— Any assistant examiner appointed by the high school board, as authorized by law, shall be entitled to receive such compensation as the board may allow, not exceeding three dollars a day or fifty cents an hour. *Provided*, that no such compensation shall be paid to any person receiving a salary from any state institution.

1881, Ex. S. ch. 61, § 2.

SEC. 3464. Inspection of high schools.— The said board of commissioners shall cause each school receiving aid under this act to be visited at least once in each school year by a committee of one or more members, who shall carefully inspect the instruction and discipline of the preparatory classes, and make a written report on the same immediately. *Provided*, that the said board may, in their discretion, appoint in any case competent persons to visit and inspect any schools, and to make report thereon, and no money shall be paid in any case until after such report shall have been received and examined by the board and the work of the school approved by vote of the board.

1881, ch. 144, § 4. Same as § 4, ch. 92, acts 1878.

SEC. 3465. Record — Report.— The said board shall keep a careful record of all their proceedings, and shall make on or before the first day of September in each year a report covering the previous school year, to the superintendent of public instruction, showing in detail all receipts and disbursements, the names and number of schools receiving aid, and the number of pupils attending the classes in each, to which report they may add such recommendations as they may deem useful and proper.

1881, ch. 144, § 8. Same as § 8, ch. 92, acts 1878.

SEC. 3466. Pecuniary aid.— Any public graded school in any city or incorporated village or township organized into a district, under the so-called township system, which school shall give preparatory instruction according to the terms and provisions of this act, and shall admit students of either sex from any part of the state without charge for tuition, shall be entitled to receive pecuniary aid as hereinafter specified. *Provided, however*, that no such school shall be required to admit non-resident pupils unless they shall pass an examination in all the branches prescribed by law as requisite to a third grade county certificate.

1881, ch. 144, § 2. Same as § 2, ch. 92, acts 1878, except that after word "requisite" the latter act read, "to receiving a first-grade certificate, except algebra, plane geometry and the theory and practice of teaching." Acts 1879, ch. 27, struck out "first grade" and inserted "third grade."

SEC. 3467. Prerequisite to receiving aid.— The said board shall require of the schools applying for such pecuniary aid, as prerequisite to receiving such aid, compliance with the following conditions, to-wit:

First — That there be regular and orderly courses of study, embracing all the branches prescribed as prerequisite for admission to the collegiate department of the University of Minnesota.

Second — That the said schools receiving pecuniary aid under this act shall at all times permit the said board of commissioners, or any of them, to visit and examine the classes pursuing the said preparatory courses.

1881, ch. 144, § 3. Same as § 3, ch. 92, acts 1878, except after word "Minnesota" it read, "not lower than the third or sub-freshman class."

SEC. 3468. Discretionary power to grant.— The high school board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe the conditions upon which said aid shall be granted, and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law, but not more than five schools shall be aided in each county in any one year. Any school once accepted and continuing to comply with the law and regula-

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tions of the board made in pursuance thereof, shall be aided not less than three years.

1881, Ex. S. ch. 61, § 1, as amended 1883, ch. 40. Amendment increased number of schools from three to five. Acts 1881, Ex. S. ch. 61: "An act to define the powers of the high school board." Approved November 18, 1881.

SEC. 3469. Payment of aid.—The said board shall receive applications from such schools for aid as herein provided, which application shall be received and acted upon in the order of their reception. The said board shall apportion to each of said schools which shall have fully complied with the provisions of this act, and whose application shall have been approved by the board, the sum of four hundred dollars in each year; *provided*, that the total amount of apportionments and expenses under this act shall not exceed twenty thousand dollars in any one year. The sum of twenty thousand dollars is hereby appropriated annually to be paid out of any moneys in the treasury, not otherwise appropriated for the purposes of this act, which amount or so much thereof as shall be necessary, shall be paid upon the warrants of said board upon the state auditor.

1881, ch. 144, § 5. Same as § 5, ch. 92, acts 1878, except amount, which in latter act was \$9,000; increased to \$20,000 by acts 1879, ch. 27, § 2.

SEC. 3470. Same.—The sum of three thousand dollars in addition to the sum now allowed by law, be and is hereby appropriated out of any money not otherwise appropriated for the year one thousand eight hundred and eighty-three and annually thereafter for the support of high schools under chapter one hundred and forty-four of the general laws of one thousand eight hundred and eighty-one for the encouragement of higher education, approved March third, one thousand eight hundred and eighty-one.

1883, ch. 151: "An act to appropriate money for the encouragement of higher education." Approved March 3, 1883.

SEC. 3471. Same.—That the sum of two thousand dollars in addition to the sum now allowed by law be appropriated for the year one thousand eight hundred and eighty-seven and annually thereafter, out of any moneys not otherwise appropriated, for the support of high schools, under chapter one hundred and forty-four of the general laws of one thousand eight hundred and eighty-one for the encouragement of higher education, approved March third, one thousand eight hundred and eighty-one.

1887, ch. 256: "An act to appropriate money for the encouragement of higher education." Approved March 5, 1887.

TITLE 9.

STATE NORMAL SCHOOLS.

SEC. 3472. Designated.—The normal schools heretofore established to educate and prepare teachers for the common schools of this state, shall hereafter be designated and known as the state normal school at Winona, the state normal school at Mankato, and the state normal school at St. Cloud, respectively.

1877, ch. 74, subch. 9, § 1 — G. S. ch. 37, §§ 1, 2, 3, 4, 5, 6. Acts 1867, ch. 5; 1872, ch. 2; 1873, ch. 2, § 1; 1874, ch. 116; 1875, ch. 24.

SEC. 3473. At Moorhead.—There shall be established, under the direction and supervision of the state normal school board, at the city of Moorhead, a normal school, to be known as the state normal school at Moorhead; *provided*, said city shall donate to the state a suitable tract of not less than six acres of land, to be approved by the normal school board for the location, use and benefit of said school within eighteen months from the passage of

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this act; *provided further*, that no money shall be appropriated for the erection of buildings for said school until the year one thousand eight hundred and eighty-seven.

1885, ch. 158: "An act to establish a state normal school at the city of Moorhead in Clay county." Approved March 5, 1885.

SEC. 3474. **Vested rights preserved.**—Nothing contained in this act shall be so construed as to impair or annul any right or obligation existing in behalf of, or against the state of Minnesota, in relation to the state normal schools at Winona, Mankato and St. Cloud.

1877, ch. 74, subch. 9, § 13. Section 15, subch. 9, of this act, repealed all inconsistent acts, but such repeal shall not affect any right acquired or penalty incurred, or actions or proceedings commenced under any of said repealed acts. Acts 1873, ch. 2, § 11.

SEC. 3475. **Tuition free, when.**—There shall be no charge for tuition or for incidental expenses to the students of any normal school, who shall have filed with the principal thereof a declaration of intention to engage in the work of teaching in the public schools of this state for not less than two years after his or her connection with said school shall cease. The board may fix such rates of tuition for pupils in the model school and for students not intending to teach as in their judgment may be equitable and just.

1877, ch. 74, subch. 9, § 9, as amended 1881, ch. 41, § 11, by striking out "the use of textbooks" in first sentence; otherwise substantially same—G. S. ch. 37, § 11. Acts 1872, ch. 5. Acts 1873, ch. 2, § 7.

SEC. 3476. **Principal make annual report.**—The principal of each normal school shall annually make a written report to the state superintendent of public instruction, on or before the first day of September, covering the calendar or term year of his school. Such report shall set forth the general statistics of the school, its enrollment in each department, and in each class of the normal department, the average attendance, the number graduating within the year, the number of teachers, and the departments of each, together with an account of the general condition of the library, apparatus and buildings, which report may contain such suggestions as the principal may deem of interest to the public, and conducive to the welfare of his school; and also a statement of the total number of graduates of such school who are then engaged in teaching, so far as may be known, with their names, and the name of the district and county in which they are teaching.

1877, ch. 74, subch. 9, § 7.

BOARD OF DIRECTORS.

SEC. 3477. **Appointment — Term — Vacancies.**—The governor of this state shall, on or before the first Friday in March, one thousand eight hundred and seventy-three, nominate and appoint, by and with the advice and consent of the senate, six normal school directors, not more than one of whom shall be resident of the same county, who, together with the state superintendent of public instruction, shall constitute the state normal school board. Three of the directors so appointed shall hold their offices for two years, and the remaining three for four years, from the first day of June, one thousand eight hundred and seventy-three.

The terms of office of each director so appointed shall be designated by the governor. On the last Tuesday in February, one thousand eight hundred and seventy-five, and biennially thereafter, the governor, by and with the advice and consent of the senate, shall appoint three directors to fill the vacancies occurring under the provisions of this act, and each of whom shall hold his office for four years, from the first day of June next succeeding his appointment.

Vacancies.—The governor shall also, by and with the advice and consent of the senate, fill all vacancies that may arise by reason of death, resignation, or otherwise.

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Limitation.— *Provided*, that one member of said board, and no more, shall be appointed from each of the counties of Winona, Blue Earth and Stearns.

1877, ch. 74, subch. 9, § 2 — G. S. ch. 37, § 7; G. S. ch. 36, § 12; 1868, ch. 2. Acts 1873, ch. 2, § 2; 1874, ch. 14. For the law governing the letting of contracts, insurance, inventories, etc., see *ante*, ch. 6, title 28.

SEC. 3478. Additional members.— The governor shall on or before the first day of May, eighteen hundred and eighty-nine, appoint two members of the state normal school board in addition to those already provided for by law, whose terms of office shall expire on January first, eighteen hundred and ninety-one and on January first, eighteen hundred and ninety-three, respectively, and that said board shall from said appointments consist of eight instead of six members.

Provided, however, that there shall not be at any time more than one director from any one county.

1889, ch. 268, § 1: "An act to increase the number of members of the state normal school board and to provide for certain expenses." Approved April 17, 1889.

SEC. 3479. Oath.— Each member of the state normal school board, before entering upon the duties of his office, shall file with the secretary of state an oath to support the constitution of the United States, and of the state of Minnesota, and that he will well and faithfully discharge the duties of his office.

1877, ch. 74, subch. 9, § 4 — G. S. ch. 37, § 8. Acts 1867, ch. 6; 1868, ch. 3. Acts 1873, ch. 2, § 4.

SEC. 3480. Officers of board — Annual meeting.— The officers of the board shall be a president and secretary. The annual meeting of the board shall be held on the first Tuesday of June of each year. The members of the board * at their annual meeting in the year one thousand eight hundred and eighty-three * and biennially thereafter shall elect by ballot from their number a president. The state superintendent of public instruction shall be secretary of the board. Whenever from any cause a vacancy shall exist in the office of president of the board and said board shall not be in session at an annual meeting thereof, the governor may appoint one of the directors to be president of the board who shall hold his office till the next annual meeting of the board and until a president thereof shall be duly elected and shall enter upon the duties of his office.

1877, ch. 74, subch. 9, § 3, as amended 1883, ch. 12. Amendment between * *. Acts 1873, ch. 2, § 3, substantially same.

SEC. 3481. Powers of board.— The state normal school board shall have the general supervision, management and control of the state normal schools, and of all the property, real and personal, thereunto appertaining. They are hereby authorized and empowered to contract for the erection of all buildings connected with the schools under their charge, to appoint all professors and teachers in said schools, to fix the salaries of same.* But in no case shall the salary of any principal exceed twenty-five hundred dollars per annum.

1877, ch. 74, subch. 9, § 5, as amended 1885, ch. 95, by striking out the proviso limiting salaries of professors and teachers to \$2,000 per annum, and inserting matter after *. G. S. ch. 37, §§ 9, 10. Acts 1873, ch. 2, § 5, as amended 1875, ch. 24.

SEC. 3482. Same — Instructor for teachers' institutes.— The state normal school board shall appoint one teacher for each normal school, especially qualified to give instruction in teachers' institutes. The salary of such teacher to be paid out of the money appropriated by section¹ one of this act.

1881, ch. 190, § 2. ¹Sec. 3491, *post*.

SEC. 3483. Same — Rules — Course of study — Inspection.— The state normal school board shall prescribe the courses of study in the normal schools, the conditions of admission, and prepare and confer suitable diplomas upon persons completing the full course of study in the normal department.

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Such board shall adopt any rules and regulations deemed necessary to the highest efficiency of the schools. It shall be the duty of the board, as a whole, or through committee of their own number, to visit and thoroughly to inspect the grounds, buildings, modes of instruction, and the discipline and management of each school, at least once during each term. They shall report to the governor, on or before the first day of December in each year, through their president, the condition of each school, its receipts and disbursements, its wants and prospects, together with such recommendations for its improvement as they may deem proper and necessary.

1877, ch. 74, subch. 9, § 6 — G. S. ch. 37, § 13.

SEC. 3484. Same — Model schools.— The state normal school board shall have power to organize, in connection with each normal school, such model schools as they may deem expedient for the illustration of the best methods of teaching and government. *Provided*, that no more than one teacher shall be employed in either of the model schools, except at the school at Winona, where, so long as provision is made in the normal school for the education of soldiers' orphans, the board may employ one additional teacher at its discretion.

1877, ch. 74, subch. 9, § 8 — Acts 1873, ch. 2, § 6.

SEC. 3485. Same — Limit teachers and expenses.— It is hereby made the duty of the state normal school board to limit the number of teachers, and their compensation, and all other annual expenses thereof, to the amount appropriated by the legislature for that purpose, and all expenditures made by said board in excess of the sum so appropriated, are hereby declared to be unlawful and void, and shall be deemed a malfeasance on the part of said board, for which the members thereof can be removed from office by the governor.

1877, ch. 74, subch. 9, § 14 — Acts 1873, ch. 2, § 12.

SEC. 3486. Same — Draw warrants.— All warrants upon the state auditor for defraying the expenses of the state normal schools, shall be drawn by the president and countersigned by the secretary of the board.

1877, ch. 74, subch. 9, § 12 — Acts 1873, ch. 2, § 10.

SEC. 3487. Actual expenses of board.— The members of the state normal school board, except the superintendent of public instruction, shall be reimbursed for the actual expenses incurred by them while engaged in duty for the normal schools; said expenses to be paid out of the current fund belonging to the several schools.

1877, ch. 74, subch. 9, § 11 — Acts 1873, ch. 2, § 9.

SEC. 3488. Disbursing director — Bond.— The member of the board residing at the location of each normal school, respectively, shall receive and disburse, under the direction of the board, all moneys accruing in any manner to such school, and shall keep a full and accurate account of such receipts and disbursements, including the receipts from tuition in the model schools, and shall report the same to the board whenever they shall so direct. He shall give a bond, payable to the state of Minnesota, in such sum as the board shall direct, with one or more sureties, to be approved by them, for the faithful performance of the duties mentioned in this section.

1877, ch. 74, subch. 9, § 10 — Acts 1873, ch. 2, § 8. See ch. 6, title 28, for uniform system of accounts, etc. Acts 1885, ch. 294, appropriating money for 1886 and 1887 for hospitals for insane, reform school, deaf and dumb institute, state prison, university fund, provided in section 3 that the accounting officers of these institutions and of the normal schools make monthly duplicate pay-rolls and expense lists, file with state auditor, who, if approved, to draw warrant for the amount, which is superseded by acts 1889, ch. 269 (*ante*, ch. 6, title 28), and which by reason of the title may not have been constitutional.

SEC. 3489. Allowance to treasurer of each normal school.— In addition to the actual expenses now allowed the members of said board the treasurer of each one of the normal schools of Minnesota shall have annually a sum not

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to exceed three hundred dollars, to be allowed by said board for his services and expenses, for book-keeping and other necessary expenditures incident to keeping the accounts of his school. That the sums thus allowed the treasurers shall be paid by their respective schools out of their annual appropriations as other items of current expenses are paid.

1889, ch. 268, §§ 2, 3.

STANDING APPROPRIATION FOR NORMAL SCHOOLS.

SEC. 3490. For all normal schools.— That the sum of fifteen thousand dollars, in addition to the sum now allowed by law, for the year one thousand eight hundred and seventy-seven, and annually thereafter, be and the same is hereby appropriated, out of any money not otherwise appropriated, for defraying the current expenses of the state normal schools, as follows: For the state normal school at Winona, the sum of seven thousand dollars; for the state normal school at Mankato, the sum of four thousand dollars; for the state normal school at St. Cloud, the sum of four thousand dollars; the same to be paid on requisition drawn by the president and countersigned by the secretary of the state normal school board; and that on the presentation of such requisitions to the state auditor, it shall be his duty to draw warrants on the state treasurer for a like amount, such money to be expended under the direction of the normal board, as provided by law.

1877, ch. 164: "An act to appropriate money to defray current expenses of state normal schools." Approved February 14th.

SEC. 3491. Additional.— That the sum of eight thousand dollars, in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-one, and annually thereafter, be and the same is hereby appropriated out of any money not otherwise appropriated for defraying the current expenses of the state normal schools, as follows:

For the state normal school at Winona, the sum of two thousand dollars.

For the state normal school at Mankato, the sum of three thousand dollars.

For the state normal school at St. Cloud, the sum of three thousand dollars; such money to be expended under the direction of the state normal school board, as provided by law.

1881, ch. 190: "An act to increase the standing appropriations for normal schools, and to provide for the payment of the salaries of institute teachers therefrom." Approved February 24th.

SEC. 3492. Additional.— That the sum of nine thousand dollars, in addition to the sum now allowed by law for the year ending July thirty-first, A. D. one thousand eight hundred and eighty-six, and annually thereafter, be and the same is hereby appropriated out of any money not otherwise appropriated for defraying the current expenses of the state normal schools as follows: For the state normal school at Winona, the sum of three thousand dollars; for the state normal school at Mankato, the sum of three thousand dollars; for the state normal school at St. Cloud, the sum of three thousand dollars; the same to be paid on requisition drawn by the president and countersigned by the secretary of the state normal school board; and that on presentation of such requisitions to the state auditor, it shall be his duty to draw warrants on the state treasurer for a like amount, such money to be expended under the direction of the normal board, as provided by law.

1885, ch. 90: "An act to amend § 147, ch. 36, G. S." Approved March 5th.

SEC. 3493. For Winona normal school.— That the sum of three thousand dollars for the year one thousand eight hundred and sixty-four, four thousand dollars for the year one thousand eight hundred and sixty-five, and five thousand dollars annually thereafter, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for defraying the expenses of the normal school at Winona, the same to be paid on

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warrants drawn by the president, and countersigned by the treasurer, of the normal-school board; and that on presentation of such warrants to the state auditor, it shall be his duty to draw warrants on the state treasurer for a like amount; such money to be expended under direction of the normal-school board, as provided by law.

1864, ch. 75.

SEC. 3494. **Additional.**— That the sum of one thousand dollars in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-three, and annually thereafter, be, and the same is hereby appropriated out of any money in the state treasury, or which shall come into the state treasury, not otherwise appropriated for defraying the current expenses of the normal school at Winona.

1883, ch. 169, § 2: "An act to increase the standing appropriation for the normal school at Winona." Approved March 1st.

SEC. 3495. **For Mankato normal school.**— There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars annually, commencing with the year one thousand eight hundred and sixty-nine, for the support of the second state normal school at Mankato, the same to be paid on warrants drawn by the president of the normal-school board, and countersigned by the secretary thereof. Upon the presentation of such warrants to the state auditor, he shall forthwith draw warrants on the state treasurer for the amount named in the warrants of the said president and secretary, not exceeding in all the said sum of five thousand dollars per annum; and the money drawn upon said warrants shall be expended under the direction of the state normal board of instruction as provided by law, and for the support of the said second state normal school.

1869, ch. 10.

SEC. 3496. **Additional.**— That the sum of one thousand dollars in addition to the sum now allowed by law, be appropriated for the year A. D. one thousand eight hundred and eighty-seven, and annually thereafter be and the same hereby is appropriated out of any money in the state treasury or which shall hereafter come into the state treasury, not otherwise appropriated, for defraying the current expenses of said normal school.

1887, ch. 255, § 2: "An act to appropriate money for the benefit of the state normal school at Mankato." Approved March 5th.

SEC. 3497. **For St. Cloud normal school.**— That the sum of three thousand dollars for the year A. D. one thousand eight hundred and sixty-nine, and five thousand dollars annually thereafter, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for defraying the expenses of the third state normal school at St. Cloud, the same to be paid on warrants drawn by the president of the normal board, and countersigned by the treasurer of the normal school at St. Cloud; and that on presentation of such warrants to the state auditor, it shall be his duty to draw warrants on the state treasurer for like amount. Such money to be expended under direction of the normal school board as provided by law.

1869, ch. 12.

SEC. 3498. **Additional.**— That the sum of one thousand dollars in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-seven, and annually thereafter, and the same is hereby appropriated out of any money in the state treasury or which shall hereinafter come into the state treasury, not otherwise appropriated, for defraying the current expenses of said normal school.

1887, ch. 219: "An act to appropriate money for the current expenses of the state normal school at St. Cloud." Approved March 8th.

SEC. 3499. **For Moorhead normal school.**—That the sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for defraying the current expenses of the state normal school at Moorhead, for the year one thousand eight hundred and eighty-eight, and an equal sum annually thereafter, all of said moneys to be expended under the direction of the state normal board.

1887, ch. 241: "An act to increase the standing appropriations and to provide for the current expenses of the state normal school at Moorhead." Approved March 3d.

TITLE 10.

SCHOOL BOOKS.

Acts 1873, ch. 1, §§ 91-93, provided for uniformity in text-books, which was not carried into acts 1877, ch. 74.

SEC. 3500. **Contract to furnish.**—The governor, secretary of state and attorney general are hereby authorized and directed, on behalf of the state of Minnesota, to immediately enter into a contract with Daniel D. Merrill, of St. Paul, Minnesota, upon his giving bond, as hereinafter provided, for the faithful performance of such contract, to furnish to the state of Minnesota, in such quantities, and in the manner hereinafter provided, for the term of fifteen years, suitable text-books for use in the public schools of this state, in the following branches of study: Spelling, one book; reading, four books; arithmetic, three books; grammar, two books; geography, two books; history, one book, and such other books as may be required by the state superintendent of public instruction. The said Merrill shall, at the time of the making of such contract, execute and deliver to the governor a bond in the penal sum of \$25,000, with at least two sufficient sureties, to be approved by the governor, running to the state of Minnesota, and conditioned for the faithful performance by the said Merrill, his personal representatives or assigns, of all and singular the terms of such contract on his part to be observed. In case said Merrill, his personal representatives or assigns, shall at any time fail to fulfil any of the terms of said contract on his part to be observed, the entire penal sum thereof shall at once become due and owing to the state, and it shall be the duty of the governor to cause suit to be instituted in the name of the state, to enforce the liability, on such bond, of the principal and sureties thereon.

1877, ch. 75, § 1: "An act to provide uniform and cheap text-books for the public schools of Minnesota." Approved February 23, 1877. Acts 1878, ch. 2, supplementary to foregoing act, was repealed by 1883, ch. 39, § 3. *Curryer v. Merrill*, 25 M. 1.

SEC. 3501. **Quality and size of books — Revision.**—The foregoing books shall be equal in size and quality, as to matter and material, to the following text-books now in general use, to wit: The speller, to Parker & Watson's national speller; the first, second, third and fourth readers, equal to Harvey's first, second, third and fourth readers; the first and second grammars, equal to Clark's brief grammar and Clark's practical grammar; the three books of arithmetic, equal to Robinson's primary, intellectual and practical arithmetic; the two books of geography, equal to Cornell's primary and intermediate geography; the one book of history, equal to Barnes's brief history. The quality in matter and material of the books to be furnished under such contract, with the corresponding books in this section specified, shall be determined by a commission to be composed of the state superintendent of public instruction for the time being, Sanford Niles, late county superintendent of common schools of Olmsted county, and William Benson, county superintendent of common schools for the county of Carver, or in case either

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of the persons last named should be unwilling or unable to act, or should a vacancy occur, such other person as may be appointed in his stead, or to fill such vacancy, by the governor, secretary of state, and attorney general. Such commission shall convene at St. Paul, for the purpose of performing the duties imposed upon them by this act, at such time or times as the said contractor or superintendent of public instruction shall request it to do so. And the persons composing such commission, other than the state superintendent of public instruction, shall each receive five dollars per day for each day actually occupied in performing the duties imposed by this act. The concurrence of a majority of such commission shall be sufficient for the determination of any question coming before it under the provisions of this act.

Revision.—The text of all the books to be furnished under such contract shall be subject, not oftener than once in each period of five years, to such revision and alterations thereof as the state superintendent of public instruction for the time being shall direct.

1877, ch. 75, § 2.

SEC. 3502. Prices to be paid.—The prices to be paid by the state for the above named text-books shall be for the

Speller, not to exceed 15 cents (the present price is 25 cents).

First Reader, not to exceed 10 cents (the present price is 20 cents).

Second Reader, not to exceed 20 cents (the present price is 45 cents).

Third Reader, not to exceed 30 cents (the present price is 60 cents).

Fourth Reader, not to exceed 40 cents (the present price is 90 cents).

First Grammar, not to exceed 25 cents (the present price is 60 cents).

Practical Grammar, not to exceed 50 cents (the present price is \$1).

First Arithmetic, not to exceed 12 cents (the present price is 25 cents).

Second Arithmetic, not to exceed 25 cents (the present price is 40 cents).

Third Arithmetic, not to exceed 50 cents (the present price is 94 cents).

First Geography, not to exceed 50 cents (the present price is 80 cents).

Second Geography, not to exceed 80 cents (the present price is 150 cents).

Book of History, not to exceed 60 cents (the present price is 150 cents).

And for other books than those in this section named, a proportionate price, and no more, shall be paid by the state.

1877, ch. 75, § 3.

SEC. 3503. Price to include freight.—The superintendent of public instruction shall fix a price upon each book which will cover the cost of transmitting them to the several counties of this state.

1877, ch. 75, § 6.

SEC. 3504. Furnishing books — Agent — Duties.—It shall be the duty of the county superintendent of schools of each county to ascertain the number and kind of books unsold in the hands of the district clerks and agents of districts, and the agents appointed under this act, and of the number and kind in addition thereto needed in the school districts of the county, and make a requisition for the total number of each kind of the books provided for in the preceding sections, together with such others as may be from time to time required of the contractor, and added to the state list by the state superintendent of public instruction, which will be needed to fully supply all the schools with text-books, and all the scholars in all the schools in said county for one year, and forward the same to the state superintendent of public instruction on or before the first (1st) day of June in each and every year, and he shall file a duplicate or copy of the same with the county auditor of his county. Whenever there is a deficiency of books of any kind in any agency so established, the county superintendent shall make a like requisition to supply the same; and if there is remaining for more than one year a surplus of any kind of books in any agency, he shall notify the county auditor thereof, who shall cause such surplus to be transmitted to any other agency in his county where there is a deficiency thereof; and he shall also, at the request of the trustees

of any district, cause all books now in the hands of the clerk or agent of such district, to be transferred to the agencies created under this act, and adjust the accounts accordingly. The state superintendent of public instruction shall immediately, upon the receipt of any such requisition, make out his own requisition for the same books and forward it to the contractor.

Agents.— It is hereby made the duty of the board of county commissioners in each and every county at their first meeting in January of each year and in case of any failure to make the appointment at said meeting, then the said board shall make the same at their next meeting and not later than the fifteenth (15) day of May, to appoint in one or more places in each county, one or more persons who shall act as agents for the sale of such books, and such agents shall continue in office till the fifteenth (15th) day of January next succeeding, and until their successors are appointed and qualified.

As soon as such agent or agents are appointed in any county, the county auditor shall notify the contractor of such appointment, and give him the full names and correct postoffice address of such agent or agents, and notify him of any changes thereafter made of such agents. The county auditor of each county shall immediately, upon receipt of the copy or duplicate of the order of the county superintendent upon the state superintendent, notify the contractor to whom to send the books, and in case of there being more than one such agent in the county, he shall state the number or proportion of each of the kinds of said books to be sent to each agent, and in case of a failure to receive such information, the contractor shall forward all the said books required for such county, to the county auditor. The contractor shall send to each a memorandum bill of the books sent to him, and also a duplicate thereof to the county auditor of the county.

Bond of agent.— Each of the agents herein provided for shall, before entering upon his duties, give a bond with one (1) or more sureties, to be approved by the county auditor, running to the said county in such a sum as the county commissioners or the county auditor and treasurer shall determine, conditioned for the faithful performance of the duties imposed upon such agents by this act.

Duties.— Each agent shall sell the said books at the prices fixed by the state superintendent of public instruction. The said agent shall account to the county auditor once in each quarter ($\frac{1}{4}$) year for all books received by them, and shall then pay over to the county treasurer all moneys received for those sold. Each agent shall be entitled to, and shall receive for his service the sum of eight (8) per cent. of the amount of his sales as shown by him at each accounting, to [and] the county auditor at the time of each settlement shall draw his warrant upon the county treasurer for said sum, which amount shall be paid by said treasurer out of the school funds arising from county taxation. Any person purchasing books from the agents may sell the same at an advance, equal to an average of ten (10) per cent. above the state superintendent's list prices and no more.

Misconduct.— It shall be a misdemeanor for any person to sell any of said books which have been previously purchased from any such agent or agents, or from the contractor, at prices greater than herein provided, punishable by a fine not to exceed twenty-five dollars (\$25.00), or imprisonment not to exceed thirty (30) days for each offense; and it shall be a misdemeanor for any officer to refuse to perform any duty imposed upon such officer by this act, or the acts to which this act is amendatory, punishable by a fine of not less than twenty-five (\$25) nor more than one hundred (\$100) dollars, or imprisonment for not less than thirty (30) days nor more than ninety (90) days for each offense; and the justices of the peace in the several counties shall have jurisdiction to try and determine such offenses.

1877, ch. 75, § 4, as amended 1883, ch. 39; 1885, ch. 20. Acts 1883, ch. 39, § 3, repealed ch. 2, acts 1878, supplementary to acts 1877, ch. 75; and also, in § 4, provided that text-book contractor file written acceptance within sixty days.

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SECS. 3505-3509.]

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SEC. 3505. Duties of the contractor — Payments.—It shall be the duty of the contractor, as soon as possible after receiving the requisition of the state superintendent for the books ordered by the several county superintendents, to forward the number of books required to the several agents or county auditors as hereinbefore provided, and upon the filing of the requisitions, and the delivery of the shipping receipts for the same to the superintendent of public instruction, it shall be the duty of said superintendent to certify the amount due to the contractor, and the state auditor shall thereupon issue his warrant upon the state treasurer for the amount so certified, payable out of the school text-book fund hereinafter provided for.

1877, ch. 75, § 5, as amended 1883, ch. 39, by striking out "county auditors of the state" and inserting "agents or county auditors as hereinbefore provided."

SEC. 3506. Payment by counties.—The state superintendent shall send to the county auditor of each county, and also to the state auditor, a statement of the price fixed upon each book, and the total cost of the number of books sent; and it shall be the duty of the board of county commissioners of each county, at their next meeting, to make provision for the payment of the price of such books; and the county treasurer of each county shall immediately thereupon remit the amount of the cost of such books to the state treasurer.

1877, ch. 75, § 7. Sections 8 and 9 of this act as amended 1881, ch. 17, were repealed by 1883, ch. 39, § 2, and sections renumbered.

SEC. 3507. Used exclusively — Exception.—Within one year after the state text-books are printed and furnished to the state superintendent of public instruction, and for the period of fifteen years thereafter, no text-books shall be used in the public schools of this state, in incorporated cities and villages, as well as in the state at large, other than the state text-books prepared under the provisions of this act: *provided*, that this act shall not be construed to prevent pupils who have advanced beyond the studies embraced in said books from using other books, or to prevent a revision of the text of said books, at the expiration of five years after their introduction.

Exception.—*Provided, further*, that this shall not be obligatory upon boards of education acting under special charters.

1877, ch. 75, § 10. Renumbered § 8 by acts 1883, ch. 39, § 2.

SEC. 3508. Penalty for refusal to use.—After two years from the time the county auditor of any county has received the number of text-books required for the district-schools of his county, from the superintendent of public instruction, the treasurer of such county shall pay no part of the state school-tax fund belonging to a district of his county, to the treasurer of such district, until such treasurer produces his certificate in writing of the county superintendent of public schools in his county, certifying to the fact that the state text-books have been introduced into the school or schools of such district, and are used in such school to the exclusion of any other series of text-books.

1877, ch. 75, § 11, as amended 1878, ch. 2, § 7, by striking out "one year" in first line and inserting "two years." This section was renumbered 9 by acts 1883, ch. 39.

SEC. 3509. Duty of county treasurer.—The county treasurer of any county which has heretofore paid, or may hereafter pay, into the state treasury any sum of money on account of books furnished for any school district upon any estimate of the clerk of such district made prior to the passage of this act, shall retain out of any money in his hands arising from taxation, and belonging or payable to such school district, the amount so by the county paid into the state treasury, and all moneys received by the clerk or agent of any school district for books by him sold shall be paid to the treasurer of the same district for the use and benefit of such district; and it is hereby made the duty of the state superintendent of public instruction within twenty (20)

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[SECS. 3510-3513.]

days after the passage of this act, to procure and forward to the county superintendent of each county all blanks required for the execution of this act; and it shall be the duty of the county superintendent to immediately transmit such blanks to the officers required to use the same.

1883, ch. 39, § 2, which added this as section 11 to acts 1877, ch. 75.

SEC. 3510. School-text-book fund.— For the purpose of carrying out the provisions of this act, there is hereby appropriated and set apart the sum of fifty thousand dollars, to be used as a revolving fund, to be designated "the school-text-book fund." This fund shall at all times be subject to the warrants of the state auditor, issued to the contractor in payment for school-books delivered on the order of the state superintendent; and all payments of money into the treasury of the state by the county treasurers, on account of school text-books delivered to their several counties, shall be credited by the treasurer of state to the school-text-book fund herein provided for.

1877, ch. 75, § 12. Renumbered § 10 by 1883, ch. 39, § 2.

SEC. 3511. Webster's dictionary.— The superintendent of public instruction is hereby authorized to furnish to any school district, or any school or district department thereof, in any city, village or town, one copy of Webster's Unabridged Dictionary, on receipt of an affidavit of the district clerk, the school superintendent or secretary of the board of education of such village, city or town, that such school or department has not yet been supplied, under the provisions of this act, or that the dictionary heretofore furnished to said school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent of public instruction; and the superintendent of public instruction is further authorized to sell at cost price to the state educational institutions on a written requisition being made by the officer in charge of such institution, as many copies of Webster's Unabridged Dictionaries, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same; and the superintendent of public instruction is further authorized to furnish said Webster's Unabridged Dictionary at cost price to members of the legislature and state officers, not exceeding one copy to each such person.

1883, ch. 115, § 1: "An act authorizing the purchase of Webster's Unabridged Dictionaries." Approved March 3, 1883.

SEC. 3512. Same — Purchase.— The superintendent of public instruction is hereby authorized to purchase, from time to time each year, at a cost not exceeding seven dollars per copy, delivered at his office in St. Paul, a sufficient number of copies of Webster's Unabridged Dictionary to carry out the provisions of this act; and there is hereby appropriated from the state treasury, out of funds not otherwise appropriated, the sum of two thousand four hundred dollars, or so much thereof as may be necessary to carry into effect the provisions of this act.

1883, ch. 115, § 2.

SEC. 3513. Accounts of.— The superintendent of public instruction shall pay over to the state treasurer all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold in his report to the legislature. *Provided*, that all sums so turned into the state treasury by said superintendent of public instruction, shall be and remain a fund from which said superintendent of public instruction is hereby authorized to draw such sums as may be necessary for future purchases under the provisions of this act.

1883, ch. 115, § 3.

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SECS. 3514-3518.]

EDUCATION — LIBRARIES.

TITLE 11.

LIBRARIES.

SCHOOL LIBRARIES.

SEC. 3514. Books for.—The superintendent of public instruction and the president of the normal schools of this state are directed to prepare a list of books to be amended from time to time suitable for school libraries, to include books of reference, history, biography, literature, political economy, agriculture, travel and natural science.

They shall advertise in at least two leading papers for the lowest rates at which sellers will fill orders of school districts for books selected from this list and make contracts accordingly with the lowest responsible bidder for a period not to exceed two years.

1887, ch. 121, § 1: "An act to provide for public school libraries." Approved March 5, 1887. Acts 1889, ch. 278, provided for history of Minnesota soldiers.

SEC. 3515. Payment.—Any school district having purchased under this contract any one year a selection of books from the list prepared and recommended by the state superintendent of public instruction, and having provided for their care a suitable book case and for their distribution by the appointment of a librarian and by the adoption of suitable rules and regulations, and having forwarded a certified statement of the same through the county superintendent with his endorsement to the superintendent of public instruction, the said superintendent of public instruction shall make requisition upon the state auditor for one-half ($\frac{1}{2}$) the amount so expended, who shall issue his warrant in favor of said district for said amount.

Provided, first, that no district shall receive more than twenty dollars upon the first statement nor more than ten dollars upon the second statement, nor more than five dollars upon any subsequent statement.

Provided, second, that for the purposes of the provision immediately preceding each township organization of schools shall be estimated as equal to four districts and shall be entitled to a proportionate aid in the establishing of a school library.

Provided, third, that whenever the county superintendent shall make report to the superintendent of public instruction, that upon satisfactory investigation he finds that the books of any district are not properly cared for or properly used, it shall be his duty to exclude or suspend such district from the benefits of this act.

1887, ch. 121, § 2.

SEC. 3516. One statement per year.—No more than one statement shall be made by any one district in any one school year.

1887, ch. 121, § 3.

SEC. 3517. Appropriation.—The sum of ten thousand dollars or so much thereof as may be necessary to meet the provisions of this act is hereby annually appropriated.

1887, ch. 121, § 4.

PUBLIC LIBRARIES.

SEC. 3518. Power to establish — Taxes for.—That the city council of any incorporated city, or village council of any incorporated village, shall have power to establish and maintain a public library and reading room, or either of them, for the use and benefit of the inhabitants of such city or village, and may levy a tax, not to exceed one mill on the dollar annually, and in cities of over thirty thousand inhabitants, not to exceed one-half of one mill on the

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EDUCATION — LIBRARIES.

[SECS. 3519-3524.]

dollar annually, on all the taxable property in the city, such tax to be levied and collected in like manner, with other general taxes of said city or village and to be known as the "library fund."

1879, ch. 106, § 1: "An act to provide for the establishment and maintenance of free public libraries and reading rooms." Approved March 4, 1879.

SEC. 3519. Free.— Every library and reading room or either of them, established under this act, shall be forever free to the use of the inhabitants of the city or village where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of the said library and reading room, or either of them, of the greatest benefit to the greatest number; and said board may exclude from the use of the said library and reading room, or either of them, any and all persons who shall wilfully violate such rules.

1879, ch. 106, § 6.

SEC. 3520. Ordinances to protect.— The council of said city or village shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or other property thereof, and for injury to or failure to return any book belonging to such library.

1879, ch. 106, § 8.

SEC. 3521. Donations.— Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money, property or real estate so donated, in the board of directors created under this act, to be held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property the board shall be held and considered to be special trustees.

1879, ch. 106, § 9.

SEC. 3522. Existing libraries.— Any library already existing, or hereafter established in any city or village which shall establish a free library and reading room, or either of them, under the provisions of this act, may be transferred by the society, association or individuals owning the same, to the board of directors created under this act, on such terms not inconsistent with the objects of this act, as may be mutually agreed upon; and as to such property the said board of directors shall be held and considered to be special trustees. *Provided also*, that any incorporated city may establish one or more reading rooms to accommodate the inhabitants thereof, in different parts of said city, under the provisions of this act.

1879, ch. 106, § 10.

BOARD OF DIRECTORS.

SEC. 3523. Appointed by council.— When any city or village council shall have decided to establish and maintain a public library and reading room, or either of them, under this act, the mayor of such city or president of such village, shall, with the approval of the city or village council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city or village council shall be at any time a member of said board.

1879, ch. 106, § 2.

SEC. 3524. Term of office — Removal.— Said directors shall hold office: One-third for one year, one-third for two years, and one-third for three years from the first of May following their appointment, and at their first regular meeting shall cast lots for the respective terms, and annually thereafter the mayor of such city, or president of such village shall before the first day of

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May in each year, appoint as before, three directors to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. Such mayor or president may by and with the consent of the council, remove any director for misconduct or neglect of duty.

1879, ch. 106, § 3.

SEC. 3525. **Vacancies.**—Vacancies in the board of directors occasioned by removals, resignations, or otherwise, shall be reported to the city or village council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

1879, ch. 106, § 4.

SEC. 3526. **Powers of board.**—Said directors shall, immediately after appointment meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room, or either of them, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected and placed to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. Provided, that all moneys received for such library shall be deposited in the treasury of said city or village to the credit of other library fund, and shall be kept separate and apart from the money of said city or village, and shall be paid out only upon the properly authenticated vouchers of the library board. Said board shall have power to lease and appropriate rooms for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this act. Said board shall have power, when approved by such city or village council, to purchase ground and erect thereon a suitable building for the use of said library.

1879, ch. 106, § 5.

SEC. 3527. **Annual report.**—The said board of directors shall make, on or before the first day of April in each year, an annual report to the city or village council, stating the conditions of their trust on the first day of March of that year; the various sums of money received from the library fund and other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of persons attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest.

1879, ch. 106, § 7.

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EDUCATION — FARMERS' INSTITUTES.

[SECS. 3528—3530.]

TITLE 12.

FARMERS' INSTITUTES.

This law repealed acts 1887, ch. 261.

SEC. 3528. Board of administration — Superintendent.— That two members of the board of regents of the university of Minnesota to be selected by said board acting in conjunction with the present presidents of the state farmers' alliance, the state agricultural society, the state historical society and the state dairyman's association, shall constitute a board of administration to superintend the execution of this act.

The several presidents named shall hold their office as members of this board of administration from the time of the passage of this act until the close of the fiscal year of eighteen hundred and ninety-one, their terms shall expire and the then elected and acting presidents of these several named agricultural societies shall become members of this board of administration in their stead and hold their office for two years and be relieved in turn as hereinbefore provided.

Superintendent.— This board of administration is hereby empowered by a majority vote thereof to appoint some suitable and competent person as state superintendent of farmers' institutes. The superintendent's term of office shall commence on August first, eighteen hundred and eighty-nine, and shall hold for two years unless otherwise removed, *provided* a superintendent for the short term from the date of the passage of this act until August first, coming; shall be appointed as soon as possible after this act shall be in force.

1889, ch. 274, § 3: "An act to establish and maintain farmers' institutes in Minnesota." Approved April 24, 1889. Acts 1887, ch. 261, § 3, had horticultural society instead of historical society.

SEC. 3529. Same — Duties of.— The additional duties of this board of administration shall be to act in conjunction with the superintendent of institutes in the arrangement of circuits of institutes to be held yearly; this circuit to comprise the fixing of times and places where institutes shall be held during each year; and to audit the accounts of the superintendent as hereinafter provided. *Provided*, that counties where institutes have not been held under the law of one thousand eight hundred and eighty-seven (1887), shall have precedence in the making of future institute circuits.

Superintendent.— The duties of the superintendent of farmers' institute shall consist of superintending the institutes when located as herein provided; in the engagement of proper instructors and making proper announcements; also to receive, examine and report upon all bills for expenses for services that are payable from said appropriation, and at the end of each fiscal year to make a detailed report of all farmers' institutes held under his direction as such superintendent and an itemized account of all expenditures under this act during the year last passed to said board of administration.

1889, ch. 274, § 4. Last paragraph substantially latter part of § 3, ch. 261, acts 1887. Section 6 of acts 1889 empowered the board to audit accounts under acts 1887, ch. 261.

SEC. 3530. Time and place of institutes.— That in the appointment of such farmers' institutes, they shall be held, so far as possible, at times and in the places that shall be most convenient to the farmers of the state; that they shall continue for not less than one nor more than three days each, with morning, afternoon and, where practicable, evening sessions, and that they shall be free to the public; also that they shall consist of practical and instructive lectures upon topics pertaining to the farm and home, with essays and addresses, discussions and illustrations of such methods and practices as possess true merit and are adapted to the conditions of our agriculture, the sole ob-

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ject and purpose of these institutes being to disseminate practical knowledge upon questions pertaining to agriculture, horticulture, stock and dairy farming, with the least expense or inconvenience to the people of the state.

1889, ch. 274, § 8. Substantially § 5, ch. 261, acts 1887.

SEC. 3531. Expenses — How paid.— That the expense of such institutes, together with the salary of said superintendent, which is hereby fixed at one thousand five hundred dollars per year, and the necessary expenses of his superintendence shall be paid out of said institute fund, by the state treasurer upon warrants issued by the state auditor; which warrants shall be only drawn upon a presentation and filing of an affidavit of the superintendent of institutes to be accompanied by an itemized statement of expenditures to be approved by the said board of administration.

1889, ch. 274, § 5. Substantially § 4, ch. 261, acts 1887.

SEC. 3532. Limitations on expenses.— That the average cost of such institutes to be paid out of said appropriation shall not exceed the sum of one hundred and fifty dollars and in such expenditures shall only be included as legitimate and necessary, the board and traveling expenses of the instructors, a reasonable compensation for their services, ⁵/₁₀₀ and a reasonable outfit of charts, outlines, etc. The salary of the superintendent, together with his traveling and needful expenses, shall not be included, except those that are consequent upon doing preliminary work preparatory to the holding of institutes.*

It is hereby provided that none of these moneys shall be expended for hall rent, fuel, lights, local advertising or compensation for services of instructors other than those regularly employed.

1889, ch. 274, § 2. Same as § 2, ch. 261, acts 1887, except between * *.

SEC. 3533. Appropriation for.— That the sum of seven thousand five hundred dollars be and the same is hereby appropriated for the fiscal years of eighteen hundred and ninety and eighteen hundred and ninety-one, for the maintenance of farmers' institutes to be held in the several counties of this state as hereinafter provided, *provided*, that the appropriation herein made shall not be construed as being additional to any other appropriation hereafter or heretofore made.

1889, ch. 274, § 1. Substantially § 1, ch. 261, acts 1887, except the proviso, which appropriated \$7,500 for 1888 and 1889.

SEC. 3534. Unexpended balance.— That the unexpended balance of the appropriation made by said chapter two hundred and sixty-one general laws of one thousand eight hundred and eighty-seven, that shall remain at the date of the passage of this act, shall be transferred by the state auditor to the institute fund constituted by this act.

1889, ch. 274, § 7. Section 6 of this act empowered the board to audit the expenses incurred under acts 1887, ch. 261, which was "An act to establish and maintain farmers' institutes in Minnesota."