

# REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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1910

## CHAPTER 14.

## EDUCATION.

## DISTRICT SCHOOLS.

**1282. Petition.**—The petitions shall contain:

1. A correct description of the territory to be included in such proposed district.
2. The number of persons residing therein.
3. The names and ages of all children of school age residing therein, and the existing district in which each such child lives.
4. The districts in which such territory lies, and the number of such children in each such district.
5. The reasons for the formation of the proposed district.

Such petitions shall be acknowledged by the petitioners and submitted to the county superintendent, and if he shall approve of the same he shall endorse such approval in writing upon said petition, stating his reasons therefor; and if he shall disapprove of same he shall indorse thereon in writing his reasons for such disapproval. (R. L. § 1282, as amended by Laws 1907, c. 110, § 1.)

**1283. Notice of hearing.**

G. S. 1894, § 3668, cited in *Bloomquist v. Washington County*, 101 Minn. 163, 112 N. W. 253.

**1284. Proceedings on hearing.**

**Division of moneys, etc.**—Where a county board creates a new school district out of territory taken from existing districts, as authorized by G. S. 1894, § 3674, it may divide the moneys and credits at a subsequent regular meeting without a notice and hearing. *School Dist. No. 131 of Freeborn County v. School Dist. No. 5 of Freeborn County*, 120 N. W. 898.

**1285. Appeal from order.**

**In general.**—Laws 1901, c. 125, amending G. S. 1894, § 2669, providing for appeals, was not so indefinite as to be void for uncertainty. When county boards had acted on petitions to organize a new district out of parts of districts in different counties, appeal might be taken by any qualified person residing in the new district to the district court of any county in which was any part of the new district, and when such appeal was perfected the court acquired jurisdiction of the subject-matter, and the boards of other counties had no interest therein. *Bloomquist v. Washington County*, 101 Minn. 163, 112 N. W. 253.

**1286. Change of boundaries of district—Enlarging boundaries in certain cases—Proceedings—Apportionment of debts.**—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the

discontinued district, when the liability was incurred. Provided, that when any incorporated borough, village or city of not more than two thousand inhabitants is already or partly included within the boundaries of any such school district, or whenever any such school district shall include within or partly within its boundaries any incorporated borough, village or city of not more than two thousand inhabitants, the boundaries of such school district may be enlarged so as to include all lands within the corporate limits of said borough, city or village, or so as to include lands within and outside of such incorporated borough, village or city, but lying contiguous to said district in the following manner, to-wit: Whenever a majority of the legal voters residing within such school district shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners, at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence, they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attached to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceeding shall be valid unless concurred in by the county boards of all such counties affected. At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court; and provided, further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1285 Revised Laws 1905. (R. L. § 1286, as amended by Laws 1907, c. 188, § 1, and Laws 1909, c. 13, § 1.)

**[1286—]1. Enlargement of boundaries of certain districts.—**That whenever two or more incorporated villages are included within one school district which includes less than twelve sections

of land, the boundaries of such district may be enlarged to include not less than twelve sections of contiguous territory. ('05 c. 46 § 1)

**Historical.**—"An act to authorize the extension of school district boundaries, where two or more incorporated villages are included in the same school district." Approved March 16, 1905.

[1286—]2. **Same—Petition—Duty of county board—Notice.**—Whenever two-thirds of the legal voters residing within any such school district shall petition the board of county commissioners of the county wherein such district is situated, for an enlargement of such district, and shall file said petition with the auditor of said county, it shall be the duty of the board of county commissioners, at its next regular or special meeting, to set a time and place for a hearing upon it, and shall cause a copy of a notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of such districts at least ten days before the time appointed for such hearing. The posting of such copy of 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. ('05 c. 46 § 2)

[1286—]3. **Same—Hearing—Duty of board.**—Upon filing proof of the posting and service of such notice, the board of county commissioners shall, at the time and place fixed, proceed with the consideration of such matter, and shall hear all evidence offered by any person interested, tending to show what territory should be included within said district, and, having heard the evidence shall proceed to enlarge the said school district as provided for in section one [1286—1] of this act, and to fix the boundaries thereof, and of all remaining school districts thereby affected, attaching or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require. ('05 c. 46 § 3)

**1287. Districts in two or more counties.**

G. S. 1894. § 3670, cited in *Bloomquist v. Washington County*, 101 Minn. 163, 112 N. W. 253.

[1287—]1. **District in more than one county.**—That the first proviso of section one, chapter three hundred seventy-one, of the Laws of nineteen hundred and one, be amended so as to read as follows: Provided, that when the territory of the district or districts to be affected by such formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another 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, consolidation or setting off of any freeholder from one district and attaching him to another, in such petition desired, shall require the concurrent action of the commissioners of each of such counties. The determination of the 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. Provided, further, that whenever the territory of such district in either of said counties has an assessed valuation of not less than fifty thousand dollars, and has resident therein not less than fifteen children of school age, the county commissioners of either county may

organize that part of such district lying in their county into a separate school district, or consolidate the same with an adjoining district in the same county. Provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. ('05 c. 183 § 1)

**Historical.**—This section and the section next following are sections 1 and 2 of an act entitled "An act to amend chapter 371 of the Laws of 1901 relating to public schools," approved April 15, 1905.

Laws 1901, c. 371, was "An act to amend section three thousand six hundred and seventy-four of the General Statutes of one thousand eight hundred and ninety-four, as amended by chapter two hundred fifty-one of the General Laws of one thousand eight hundred and ninety-seven, relating to public schools." Section 1 of Laws 1901, c. 371, amended the first proviso, and section 2 the third proviso, of G. S. 1894, § 3674, as amended by Laws 1897, c. 251. G. S. 1894, § 3674, was Laws 1877, c. 74, subc. 1, § 16, as amended by Laws 1879, c. 43, § 1, Laws 1881, c. 41, § 2, Laws 1885, c. 121, and Laws 1891, c. 73, § 1, all of which were repealed by R. L. §§ 5530, 5532, 5533, 5536, 5539. The part of G. S. 1894, § 3674, which precedes the first proviso relates to the hearing and order upon a petition respecting changes in the boundaries of a school district presented pursuant to section 3673. The provisions of section 3673 and of the first part of section 3674, including the first proviso, do not appear to have been incorporated in the Revised Laws. Other parts of section 3674, as amended by Laws 1901, c. 371, § 2, have been incorporated in sections 1300, 1301. So far as Laws 1905, c. 183, differs from the Revised Laws, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

[1287—]2. **Same—Apportionment of property.**—That in case any division of a school district is made under this act, the county commissioners of the counties in which said district is situated shall divide and apportion property of such district in proportion to the assessed valuation thereof. ('05 c. 183 § 2)

See note under section next preceding.

[1294—]1. **Consolidation of rural schools—Commission—Members.**—The board of county commissioners of any county in the state may, and upon petition of 25 per cent of the resident freeholders living on farms thereof shall organize a commission consisting of seven members as follows: Four members of the board of county commissioners chosen by said board, the county superintendent of schools, one member to be appointed by the county auditor and one member to be appointed by the state superintendent of public instruction, said commission to be known as the \_\_\_\_\_ county rural school consolidation commission. The board of county commissioners shall provide for the reasonable expenses of said consolidation commission. ('05 c. 326 § 1)

**Historical.**—"An act to provide for an optional plan for counties to consolidate the rural schools, to provide for the organization and government of consolidated rural schools, and to provide for the transportation of pupils at public expense." Approved April 19, 1905.

See R. L. § 5504.

[1294—]2. **Same—Organization of commission—Plan for re-districting.**—Said consolidation commission shall organize by selecting a chairman and a secretary from their number and shall proceed to formulate a plan for re-districting the school districts of the county so as to provide for the consolidation of rural schools into larger districts, approximating areas four to six miles square, and shall provide for publishing a map and statement showing the proposed plan to the people of the county; provided, that the said districts shall be formed in such a manner and the proposed consolidated school shall be located at such places as shall make it most convenient for the transportation of pupils to and from their homes. ('05 c. 326 § 2)

[1294—]3. **Same—Agreement with adjacent county or district therein.**—Said consolidation commission may recognize, or it may assist in making an agreement between, for the first part, any dis-

district under its jurisdiction, the boundaries of which it shall define; and for the second part, any adjacent county or any school district in an adjacent county, to the effect that the school district of the first part shall transport its pupils to the school supported by the farm school district of the second part, and shall pay said district of the second part for the actual cost of the instruction of the pupils from the district of the first part, and the district of the second part shall furnish instruction to pupils of the district of the first part, for an equitable and just consideration. ('05 c. 326 § 3)

[1294—]4. Same—Election on redistricting plan.—Said consolidation commission shall call an election of all the electors in each and every township in the county for the purpose of deciding whether the county redistricting plan as presented shall be adopted; the date for said election shall be the same for all townships and shall not be earlier than thirty days after the call is issued and the plans are published in the leading papers of said county; said consolidation commission shall provide for the election to be held at the usual places for holding township elections in the respective townships; said consolidation commission shall cause notice of said election to be posted in ten of the most public places in each township at least ten days before said election; said election shall be by ballot marked, "For the consolidation of rural schools," or "Against the consolidation of rural schools," the voter to place a cross after the line which he chooses and said commission shall provide printed ballots and shall immediately make up the vote, for and against the proposed plan, and send the same sealed, to the county superintendent, who, upon receiving the vote from each and all townships of said county shall call the consolidation commission together to count the votes and announce the decision of the respective boards of rural schools. ('05 c. 326 § 4)

[1294—]5. Same—Consolidated districts, how numbered and named—Notice to county auditor.—If it shall appear from these several reports that of the electors present and voting a majority voted in favor of the proposed redistricting plan, the said consolidation commission shall give to each consolidated district in the county a number and name, which, together with the name of the nearest postoffice, shall serve as a postal address, and shall certify to the county auditor that such plan has been adopted, with descriptions of the outlines of the new districts organized, and the numbers and names which have been given to the respective districts. These facts shall be made a part of the records of said auditor's office. ('05 c. 326 § 5)

[1294—]6. Same—Election of trustees—Notice.—In case the vote for consolidation carries, the county superintendent of schools shall, within thirty days after the commission announces the decision, cause notices to be posted in ten of the most public places in each newly organized district, and shall cause to be published at county expense in one or more newspapers in the county, notices requesting the electors thereof to assemble at some specified time and place for the purpose of electing a board of school trustees and transacting such other business as may properly come before the meeting. These notices shall be posted at least ten days prior to the date of such meeting. The officers of the several original districts shall continue to exercise their respective rights and duties until the organization of the new boards of school trustees, as provided by law. ('05 c. 326 § 6)

[1294—]7. Same—Laws applicable.—Sections six and seven of chapter two hundred sixty-two of the Laws of 1901, relating to the consolidation of districts and transportation of pupils, not in-

sistent with this act, shall apply to all consolidated rural schools. ('05 c. 326 § 7)

**Historical.**—See note under section [1294—] 1. Laws 1901, c. 262, was repealed by R. L. § 5544. The provisions of section 6 thereof were incorporated in section 1321.

**[1294—]8. Same—Property, how disposed of—Debts, how apportioned.**—Where old districts owning school property are so divided that the school property owned by said districts belongs in part to more than one new district, the chairman of said boards of directors of consolidated rural school districts shall constitute a board of appraisement to award the proportion of such value to each district and to provide for the sale or disposal of the same and to give to each district its just share, and where such old district has an indebtedness the board of appraisement shall be constituted in the same manner to determine the proportions of said debt which shall be assumed by each consolidated district. In case such board of appraisement cannot agree, it shall place the decision in the hands of the board of county commissioners, and the decision of said board shall be final. ('05 c. 326 § 8)

See, also, section [1294—] 12, and note thereunder.

**[1294—]9. Same—Powers of directors.**—The board of directors of consolidated rural school districts shall have the power to sell or move any school building owned by the district, to sell any land or apparatus not needed, and to purchase not more than ten acres of land for said school site. The said board of directors of consolidated rural schools shall be empowered to erect such buildings and to furnish such equipments as are necessary for the proper operation of said school, and for purchases and other expenditures as provision may be made by them according to law. ('05 c. 326 § 9)

**[1294—]10. Same—Salary of county superintendent.**—For the purpose of determining the salary of the county superintendent in any county, each district or part of a district united in forming the consolidated rural school shall be counted the same as before the consolidation was made. ('05 c. 326 § 10)

**[1294—]11. Same—Maintenance and support.**—For the purpose of maintenance and support, the consolidated rural school shall be in the same class, governed by the same laws, not inconsistent with this act, and administered in the same way, as the state graded schools. ('05 c. 326 § 11)

**[1294—]12. Division of funds on change of district.**—That whenever the boundaries of any school district are changed, or when a school district is formed from territory comprising two or more districts, or when any school district is divided, the county board shall make a division of all monies, funds and credits belonging to such districts and shall make an award of such monies, funds and credits to the district or districts affected by such change, and in making such award the commissioners shall take into consideration the indebtedness, if any, of the district so divided, and shall make such division as they deem just and equitable. ('07 c. 109 § 1)

**Historical.**—"An act relating to the organization of school districts." Approved April 5, 1907.

Section 3 repeals inconsistent acts.

**[1294—]13. Same—Duty of auditor.**—When a school district has been formed from territory comprising two or more districts, or where a school district has been divided and the county board has, by resolution, made a division of the monies, funds and credits belonging to such districts the auditor of the county shall be required to make a division of all the monies, funds and credits evi-

denced by the records in his office pursuant to and as required by said resolution. ('07 c. 109 § 2)

**1311. Districts of ten or more townships—Trustees, how elected.**—In all common school districts in Minnesota embracing or containing ten or more townships, the trustees and members of the school board shall be elected as follows: In all such districts existing at the date of the passage of this act, the trustees and members of the school board shall continue to hold their respective offices, as follows: The chairman until August 1 following the next biennial general state election; the treasurer until one year from such date, and the clerk until two years from such date. If said terms of office or either of them so existing at the date of the passage of this act shall expire prior to said dates, that is, shall expire prior to August 1 following the next biennial general state election, and one year from said date, and two years from said date, as above stated, then and in that event the expiration of such terms shall constitute a vacancy, and such vacancy shall be filled as provided by sections 1316 and 1317 of said Revised Laws of 1905, as amended hereby. At the first meeting of each newly created or organized district hereafter created or organized, containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, the treasurer until one year from said date, and the clerk until two years from said date. At the first biennial general state election held after the passage of this act in common school districts embracing or containing ten or more townships and at the first biennial general state election held after the organization of each new district embracing or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of said board, such members being elected to fill the offices expiring respectively August 1 after such election and one year from August 1 after such election, the term of office of one to commence August 1 in the year following his election, and that of the other August 1 in the second year following his election. The office to which each is so elected and the time of the commencement of the term of each, with the length of term, shall be stated on the ballot. For the purpose of carrying into effect this act, and so as to enable the electors in each of such districts embracing or containing ten or more townships to elect officers at such biennial general state election, the general election laws of this state, including the primary election law, shall, so far as possible, be applicable hereto, and the candidates for said offices shall file for nomination and be chosen and nominated and their names placed upon the ballot, under and pursuant to the provisions of said general election law and the primary election law in this state, and such general election law and primary election law shall be made applicable hereto and carried out by the officers and persons having the performance and enforcement thereof, except that a separate ballot box shall be used and voters need not register. The votes shall be returned and canvassed and the persons elected notified in the same manner as in the election of county officers. (R. L. § 1311, as amended by Laws 1909, c. 187, § 1.)

**Historical.**—“An act to amend sections 1311, 1313, 1316 and 1317 of the Revised Laws of 1905, relating to the election of trustees and members of the school board in common school districts in the state of Minnesota, and relating to vacancies in such board and the filling of such vacancies and providing for the payment of salaries or compensation of trustees and members of the school board in districts embracing or containing more than ten townships.” Approved April 14, 1909.

Section 5 repeals inconsistent acts.

**[1311—]1. Election of certain trustees, etc., validated.**—That whenever, and in all cases where, a common school district in the

state of Minnesota, or the electors thereof, at the general biennial state election for the years 1904, 1906 and 1908, have elected or attempted to elect trustees or members of the school board of such school district, under and pursuant to section 3678 of the General Statutes of 1894, as amended by chapter 15 of the General Laws of 1899, as amended by chapter 38 of the General Laws of Minnesota for the year 1903 and amendments thereof, and under and pursuant to section 1311 of the Revised Laws of 1905 or any amendment thereto, and such trustees or members of the school board of said district have actually been voted for by the electors of said district at said elections, or either of them, and the votes cast have been canvassed and the result thereof declared, and certificates of election issued to the person or persons having the largest number of votes so cast at said election, and such persons having thereafter qualified and entered upon the duties of said office, all such election of trustees and members of said school board of said district or districts is hereby in all respects fully legalized, validated, ratified and confirmed, and the election of all trustees or members of the school board in such common school districts, such election being held under and pursuant to said laws or acts, or either of them, is hereby fully and in all respects legalized, validated, ratified and confirmed for the full term for which said officers were so elected or attempted to be elected under and pursuant to said law or laws, act or acts. ('09 c. 238 § 1)

**Historical.**—"An act to legalize, validate, ratify and confirm the election of trustees and members of the school board in common school districts in Minnesota embracing or containing ten or more townships, where the election of such trustees and members of the school board of such district has been held or attempted to be held and such officers elected under and pursuant to section 3678 of the General Statutes of 1894 as amended by chapter 15 of the General Laws of 1899 as amended by chapter 38 of the General Laws of Minnesota for the year 1903 and amendments thereto, or under and pursuant to section 1311 of the Revised Laws of 1905 and amendments thereto, and legalizing, validating, ratifying and confirming the official acts, proceedings, contracts, obligations, payments and disbursements and all other things done and performed by such officers." Approved April 19, 1909.

Section 4 repeals inconsistent acts.

**[1311—]2. Same—Official acts validated.**—All official acts done, transactions performed, proceedings had, contracts entered into, obligations incurred, payments made, disbursements made, and all other things done or performed by such trustees or any of them, or by any school board of such school district so elected or attempted to be elected under, and holding office under and pursuant to said law or laws, act or acts and amendments thereto, such trustees or school board assuming to act for and in behalf of said district, are hereby in all things and in all respects fully legalized, validated, ratified and confirmed. ('09 c. 238 § 2)

**[1311—]3. Same—Validation to cover past acts.**—This legalization, validation, ratification and confirmation of all said acts, proceedings, contracts, obligations, payments, disbursements and all other things, shall relate back to the date and time of the doing and performing of the same, and shall legalize, validate, ratify and confirm said acts as of the date of their performance, making them in all respects valid and legal, notwithstanding any defect that may be or that may be claimed to be or exist in the said law or laws, act or acts, under and pursuant to which said officers were so elected or attempted to be elected. ('09 c. 238 § 3)

**[1311—]4. Payment of salaries to certain trustees validated.**—That whenever, and in all cases where, the trustees or members of the school board or school boards of common school districts, or of any common school district in Minnesota, embracing or containing ten or more townships, have been paid or have received a salary

or compensation for services performed as such trustee or member of such school board, and the treasurer of such district has paid or caused to be paid such salary or compensation, the payment of such salary or compensation is in all respects hereby fully legalized, validated, ratified and confirmed, and the acts of all such officers voting such salaries or compensation or allowing the same or auditing bills for the same, and the acts of all treasurers of such school districts paying the same, and the accepting and receiving of the same by all such officers and the voting or allowing of the same by the electors or legal voters of any such school district at any annual or other meeting thereof, are hereby fully and in all respects legalized, validated, ratified and confirmed. ('09 c. 239 § 1)

**Historical.**—"An act to legalize, validate, ratify and confirm the payment of salaries or compensation to the trustees and members of school boards in common school districts in Minnesota embracing or containing ten or more townships." Approved April 19, 1909.

Section 2 repeals inconsistent acts.

[1311—]5. Election of certain trustees, etc., validated.—That whenever, and in all cases where, the trustees or school board of any common school district in the state of Minnesota, embracing or containing ten or more townships, such trustees and school board having been elected, or attempted to be elected, under and pursuant to section 3678 of the General Statutes of 1894, as amended by chapter 15 of the General Laws of 1899, as amended by chapter 38 of the General Laws of Minnesota for the year 1903, and amendments thereto, or under and pursuant to section 1311 of the Revised Laws of 1905, and such trustees and members of the school board have received certificates of election and have qualified and entered upon the performance of their duties as such officers of such district, and as such officers have performed acts, entered into contracts, made payments, disbursed funds, conducted proceedings in good faith as such school board, and as officers of such school district, all such acts done, proceedings had, contracts made or entered into, obligations incurred, transactions done or performed, payments made and disbursements made, and all other acts and things done or performed by such trustees of such school board, are hereby fully and in all respects legalized, validated, ratified and confirmed, notwithstanding the said law or laws, act or acts under and pursuant to which such election was held, and said officers assumed to take and hold their said offices, be defective or be claimed to be defective or invalid. ('09 c. 240 § 1)

**Historical.**—"An act to legalize, validate, ratify and confirm the official acts of trustees and members of school boards of common school districts in Minnesota containing ten or more townships where such trustees and members of the school board and school boards have been elected or attempted to be elected and hold office under and pursuant to section 3678 of the General Statutes of 1894 as amended by chapter 15 of the General Laws of 1899 as amended by chapter 38 of the General Laws of Minnesota for the year 1903 and amendments thereto, or under and pursuant to section 1311 of the Revised Laws of 1905 and amendments thereto." Approved April 19, 1909.

Section 2 repeals inconsistent acts.

1313. School board of common school districts.—The school board of each common school district shall consist of a chairman, a treasurer and a clerk. At the first meeting of each school district embracing or containing less than ten townships, the chairman shall be elected to hold office until August 1 following the next annual meeting; the treasurer until one year from such date, and the clerk until two years from such date. At the first meeting in each common school district embracing or containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, and the treasurer until one year from such date, and the clerk until two years from such date. Said trustees so elected in districts embracing or con-

taining ten or more townships shall be paid such salary or compensation as the electors or legal voters of such district at the annual meeting thereof shall fix or determine, and the electors or legal voters of such district at the annual meeting thereof shall have power and are hereby authorized, by a majority vote, to fix and determine and authorize the payment of salaries or compensation to said trustees. The vote upon the payment of such salaries or compensation shall be by ballot. (R. L. § 1313, as amended by Laws 1909, c. 187, § 2.)

See note under section 1311.

**[1315—]1. Election of superintendent in special districts.**—That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education. ('05 c. 251 § 1)

**Historical.**—"An act to fix the time for the election of superintendent of schools of special districts." Approved April 18, 1905.

See R. L. § 5504.

**[1315—]2. Same—To what districts applicable.**—This act shall apply to all school districts created under a special law of the State of Minnesota. ('05 c. 251 § 2)

**[1315—]3. Election of school inspectors in certain special districts.**—That in all cities containing a population of less than ten thousand inhabitants, in which the boundaries of a special school district created by special law of this state are co-terminus with the boundaries of the city and in which, by reason of the adoption of a home rule charter, no provision has been made for the election of school inspectors at the city election, such school inspectors shall be elected at the biennial city elections of such city in the following manner: Such school inspectors shall be elected and shall serve for the term of four years except that in a subdivision of territory in which only one school inspector is elected, the term of such school inspector shall be for two years. At the city election in such cities to be held in the year 1910, the school inspectors who were elected in 1907 shall be elected to hold for a term of four years. The term of those school inspectors elected in 1907 is hereby extended for the term of three years. The term of those school inspectors elected at the city elections held in 1908 is hereby extended for the term of four years, except that the school inspector elected from a district or ward which is entitled to only one inspector, shall be elected in 1910. ('09 c. 212 § 1)

**Historical.**—"An act to provide for the election of school officers in special districts in cities of less than ten thousand inhabitants in which the boundaries of the city are co-terminus with the boundaries of such special school district." Approved April 17, 1909.

**[1315—]4. Same—How nominated.**—Said school inspectors may be nominated at the time nominations for city officers are made and the names of such nominees shall be placed on the official ballot at such city election and shall be voted for and the votes counted, canvassed and returned in the same manner as votes for city officers are counted, canvassed and returned. ('09 c. 212 § 2)

**[1315—]5. Clerk in special districts.**—The board of education in any special school district in the state of Minnesota, at its annual meeting for organization, may, at its option, appoint as its clerk or secretary a person not a member of such board, and may make pro-

vision for his compensation in accordance with existing law. ('09 c. 277 § 1)

**Historical.**—"An act to enable boards of education in special school districts in the state of Minnesota to employ clerks or secretaries who are not members of such boards." Approved April 20, 1909.

Section 2 repeals inconsistent acts.

**1316. Vacancies.**—A vacancy in any school board or board of education elected by the people, shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting, in school districts containing less than ten townships, and at the next general biennial state election in school districts embracing or containing ten or more townships. Such appointment shall be evidenced by a resolution entered in the minutes. All appointments and elections to fill vacancies shall be for the unexpired term. (R. L. § 1316, as amended by Laws 1909, c. 187, § 3.)

See note under section 1311.

**1317. Special election to fill vacancy.**—If the board shall fail for ten days to fill any vacancy, a special meeting may be called for that purpose by ten days' posted notice signed by three qualified voters, freeholders or householders of the district, setting forth the object of the meeting. Officers elected at such meeting shall hold for the unexpired term, but no such meeting shall be held within thirty days before the annual election or annual meeting in districts containing less than ten townships nor within thirty days before the general biennial state election in districts embracing or containing ten or more townships. (R. L. § 1317, as amended by Laws 1909, c. 187, § 4.)

See note under section 1311.

**1321. Powers and duties of school board.**—The school board may also:

1. Provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. Provided, in case a person has real property in, and pays taxes thereon, in a common or an independent school district other than the one in which he resides, then such person shall be admitted to all the benefits of such other school, the same as the residents therein, and if the owner of less than 80 acres therein, he shall be admitted to all the benefits of said school the same as residents therein, upon conforming to such reasonable terms for tuition as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition fees. Provided, further, 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.

2. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

3. Upon a petition of a majority of legal voters, authorize the use of any school house in the district for divine worship, Sunday schools, public meetings, elections and such other similar purposes as, in their judgment will not interfere with its use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of one hundred dollars, conditioned for the proper use of such school house, the payment of all rent, and the repair of all damage occasioned by such use, and they shall charge and collect for the use of the district

from the persons using such school house, such reasonable compensation as they may fix.

4. Provide for the free transportation to and from school, at the expense of the district, of pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board.

5. Make rules and regulations respecting the protection of the property of the district, and prescribe penalties for a breach thereof, to be recovered for the use of the district as penalties in other cases, before a justice of the peace, and change or repeal such rules. (R. L. § 1321, as amended by Laws 1907, c. 445, § 1.)

**Historical.**—R. L. §§ 1321, 1327, and 1330, were amended by sections 1, 2, and 3, respectively of "An act relating to education, amending sections 1321, 1327, and 1330, of the Revised Laws of 1905," approved April 25, 1907 (Laws 1907, c. 445). Section 4 of said act provided that it should take effect, etc., after its passage.

By Laws 1909, c. 472, § 1, "An act to amend section 4 of chapter 445, General Laws of 1907, relating to the powers of school boards," approved April 23, 1909, it is enacted: "That section 4 of chapter 445, General Laws of 1907, be and the same is hereby amended to read as follows: 'Section 4. Subject to such rules and regulations as they shall adopt, provide for the free transportation to and from school, at the expense of the districts, of all pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient; and in school districts situated in more than one county, shall provide such transportation during the months of October, November, December, January, February, March and April, for all pupils residing two miles or more from the school house, and who are not less than six years of age nor more than sixteen years of age; and shall require from every person employed for that purpose a reasonable bond for the faithful discharge of his duties, as prescribed by the board.'"

[1323—]1. Powers of boards in cities having over 50,000 inhabitants and constituting special or independent districts.—Boards of education in incorporated cities having over fifty thousand inhabitants and constituting special or independent school districts, may employ superintendents and teachers, and may make rules and regulations for the government of schools and for the employment and examination of teachers and prescribing their powers and duties; and prescribing the description, grading and classification of scholars and their management and the course of instruction and books to be used and other matters pertaining to the government and welfare of schools, including the contract for and purchase of text books, pencils, tablets and such other school supplies, needful for the schools of the district, and providing for the free use of such text books, pencils, tablets, and other school supplies, by the pupils of such schools, or the sale to them at cost; but no such adoption or contract for text books shall be for less than three nor more than five years, during which time such text books adopted or contracted for shall not be changed. (Laws 1905, c. 268, § 1, as amended by Laws 1909, c. 351, § 1.)

**Historical.**—"An act empowering boards of education in incorporated cities having over fifty thousand inhabitants and constituting special or independent school districts to make rules and regulations for the government and management of schools and for the employment and examination of teachers therein." Approved April 18, 1905 (Laws 1905, c. 268), as amended by Laws 1909, c. 351, approved April 21, 1909.

[1323—]2. Same—Not applicable to cities under home rule charters.—This act shall not be construed as modifying or attempting to modify any charter adopted under and pursuant to section 36, article IV, of the Constitution of the State of Minnesota, as amended, and chapter 351 of the General Laws of 1899 and amendments thereto. ('05 c. 268 § 2)

[1323—]3. Same.—This act shall not apply to any city whose charter is framed under and pursuant to section 36, article 4, of the constitution. ('09 c. 351 § 2)

See note under section [1323—] 1.

**1327. Duties of treasurer.**—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of such receipts and the nature and purpose of such disbursements, and within three days preceding the annual meeting shall file with the clerk a detailed financial statement of the district, showing all receipts and disbursements, and the nature of the same, the moneys on hand and the purposes to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers, shall be examined by the board, and, if found correct, approved by resolution, entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of 6 per cent per annum from the date of presentment, until the treasurer serves a written notice upon the payee or his assignee, personally, or by mail, that he is prepared to pay such order; such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer, at any time prior to the service of such notice; no order shall draw any interest if such address is not given when the same is unknown to the treasurer. (R. L. § 1327, as amended by Laws 1907, c. 445, § 2.)

See note under section 1321.

**1328. Treasurers' bonds.**—Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably come into his hands during any one year of his term, to be approved by the board and filed with the clerk, conditioned for the faithful discharge of his official duties. The chairman and clerk may at any time require such treasurer to give a new bond, and, upon his failure to give bond as required by this section, they may declare the office vacant, and appoint a successor; provided, however, that if the said bond so furnished by the treasurer be that of a surety company, authorized to do business in the State of Minnesota, then the amount of such bond shall be equal to the amount of money that will probably come into his hands during any one year of his term. (R. L. § 1328, as amended by Laws 1907, c. 95.)

**Bond—Obligation of sureties.**—A bond, purporting to be the obligation of the treasurer as principal and of others as sureties, but which has been executed only by the sureties, did not upon its face show any obligation on the part of the sureties. *School Dist. No. 80 v. Lapping*, 100 Minn. 139, 110 N. W. 849, 12 L. R. A. (N. S.) 1105.

[1329—]1. **Depository of funds in common and independent school districts.**—The officers of the several common and independent school districts in this state may in their discretion, select and designate as a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years on the execution by such bank or banks of a sufficient bond to the school district in double the sum deposited, except in cases where the bond furnished is that of a surety company authorized to do business in the state of Minnesota, and in such cases the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the board and filed in the office of the county auditor of the county wherein said school district may be situated, and thereupon may require the treasurer to deposit all or any part of the school district's money in such bank or banks. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk or president and clerk as the case may be, and filed with the clerk. That thereupon such bank or banks shall become a legal depository or depositories for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as he shall be required from time to time to deposit by such school district officers. (Laws 1907, c. 133, § 1, as amended by Laws 1909, c. 332, § 1.)

**Historical.**—“An act to amend chapter 133 of the Laws of Minnesota for 1907, providing that officers of school districts may designate depositories for school district moneys and requiring the deposit of school district moneys in such depositories, and exempting school district treasurers from liability for such deposits.” Approved April 21, 1909.

Section 5 repeals inconsistent acts.

[1329—]2. **Same—Exemption of treasurer.**—The school district treasurer and the sureties on his bond shall be exempt from liability to the school district by reason of the loss of any funds of such school district deposited in any such bank or banks from the failure, bankruptcy or other acts of such bank or banks to the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy. ('09 c. 332 § 2)

[1329—]3. **Same—Interest on deposits.**—All interest on moneys deposited, as hereinbefore provided shall be computed on monthly balances, and become the property of said school district. ('09 c. 332 § 3)

[1329—]4. **Same—Compensation.**—No additional compensation or fees shall be paid any of the school district officers by reason of any of the provisions of this act. ('09 c. 332 § 4)

**1330. Duties of chairman.**—The chairman, when present, shall preside at all meetings of the board and of the district, except when a moderator has been chosen; shall countersign all orders upon the treasurer for claims allowed by the board; shall represent the district in all actions; and shall perform all the duties usually incumbent on such officer. In case of absence, inability or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the board to be paid, the orders may be drawn by the chairman, 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 chairman and treasurer, and filled by appointment. (R. L. § 1330, as amended by Laws 1907, c. 445, § 3.)

See note under section 1321.

[1334—]1. **Interest on certain school orders.**—That each and all school orders for the payment of money issued by any school district of the state of Minnesota, between the first day of March, 1906,

and the 25th day of April, 1907, for a legally incurred debt, and which were duly presented to the treasurer of such school district for payment, and payment thereon refused for lack of funds, shall bear interest at the rate of six per centum per annum from and after the date of such presentation and refusal, and such interest is hereby declared to be valid and subsisting indebtedness of each such school district issuing the same. The officers of each such district are hereby authorized to pay such interest, upon the presentation of such orders. Provided, that the terms of this act shall not apply to any pending litigation. ('09 c. 308 § 1)

### SCHOOLS IN UNORGANIZED TERRITORY.

[1335—]1. **Schools in unorganized territory.**—The power of providing for the education of children of school age residing in any unorganized territory within the State of Minnesota, shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated. ('07 c. 76 § 1)

**Historical.**—"An act to create county boards of education for unorganized territory within the state, and to define their scope and powers." Approved March 28, 1907.

[1335—]2. **County board of education.**—The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the State. ('07 c. 76 § 2)

[1335—]3. **Officers.**—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be the treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also employ a competent person to act as clerk to the county superintendent of schools, who shall perform such other services as the board may direct. Such person shall not enter upon his duties as such clerk until his appointment has been ratified by the county board, who shall fix his salary, which shall not exceed sixty dollars (\$60) per month. (Laws 1907, c. 76, § 3, as amended by Laws 1909, c. 309, § 1.)

**Historical.**—"An act to amend chapter seventy-six of the General Laws for 1907, relating to county boards of education for unorganized territory within the state, and to define their scope and powers." Approved April 21, 1909.

[1335—]4. **Meetings.**—The county board of education for unorganized territory shall meet on the first Monday of each month at the county seat for the purpose of transacting the business of said board, consider petitions, reports from teachers, audit and pay bills, etc. ('07 c. 76 § 4)

[1335—]5. **Duty of clerk.**—It shall be the duty of the clerk of the county board of education to make to the state superintendent of schools reports similar to those made by the county superintendent in case of organized districts, and to the county auditors reports similar to those made by the clerk of organized districts. ('07 c. 76 § 5)

[1335—]6. **Tax levy.**—The said board of education shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for the purpose of providing schools, teachers, transportation of pupils, board of pupils, text-books, apparatus, school supplies, etc., for the education of children residing within such territory. This tax levy shall be known as the special unorganized school levy, and it shall be so spread on the tax lists by the county auditor. ('07 c. 76 § 6)

[1335—]7. **Duty of board—School facilities.**—It shall be the duty of the said board to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building school houses, leasing school room, transporting said children to the nearest school, boarding said children within convenient distance from a school at the expense of said board, or otherwise, and to provide necessary supplies, text and library books. ('07 c. 76 § 7)

[1335—]8. **Powers of board.**—When not otherwise provided in this act, the powers and duties of said board of education of unorganized territory shall be the same as those of school boards and annual meetings of common school districts. ('07 c. 76 § 8)

[1335—]9. **Organization of school districts.**—When, in the opinion of the said board, it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common school district, the said board shall notify the county board, which shall cause notice of hearing thereon to be given and otherwise proceed as provided by law for organization of common school districts. ('07 c. 76 § 9)

[1335—]10. **Compensation of officers.**—The chairman of said board of education shall be paid by the county three dollars (\$3) per day for the time actually employed in attending meetings of such board. The clerk of said board shall be paid by the county the sum of ten cents per mile for the distance actually traveled by him in locating or inspecting new school buildings in such unorganized territory. Provided, that if the county board pays the necessary traveling expenses to such clerk as county superintendent of schools, no such mileage shall be allowed him. ('09 c. 309 § 2)

This section, to be known as section 10, was added to Laws 1907, c. 76, by section 2 of Laws 1909, c. 309. See note under section [1335—] 3.

[1335—]11. **Dissolving common school districts—Petition.**—Any common school district which is unable to raise by taxation at least three hundred dollars for the support of each school in said district by levying the maximum tax rate allowed by law for that purpose, may be dissolved, annulled and discontinued by the county board. A petition requesting the taking of such action shall be presented to said county board and shall contain a correct description of the territory included in said district, the number of persons residing therein, the names and ages of all children of school age residing therein, the total assessed valuation of all property within said district, and request that such district be dissolved, annulled and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in said district, and before being presented to the county board it shall be approved by the county superintendent of schools if such petition meets with his approval, and it shall also be approved by the county board of education. ('09 c. 500 § 1)

**Historical.**—"An act providing for the dissolution and annulment of common school districts in certain cases." Approved April 24, 1909.

[1335—]12. **Notice of hearing.**—Upon the presentation of such petition approved as aforesaid, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district. ('09 c. 500 § 2)

[1335—]13. **Hearing—Appeals.**—At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts, and any person aggrieved may appeal in like manner. ('09 c. 500 § 3)

[1335—]14. **Territory to come under jurisdiction of county board of education.**—If said petition is granted by the county board, then said school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education of said county, and shall thereafter be managed by said county board of education in the same manner as if said district had never been organized. And it shall be the duty of the officers of said vacated school district to forthwith deliver to the county auditor of said county all of the books and records of said school district, and to the county treasurer all of the moneys and school funds in its possession. ('09 c. 500 § 4)

[1335—]15. **Outstanding obligations—Tax levy.**—All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy; not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. And the amount levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts. ('09 c. 500 § 5)

[1335—]16. **In what counties applicable.**—This act shall not apply to any county or counties not having a county board of education as provided by chapter 76, General Laws 1907 [1335—1 to 1335—10]. ('09 c. 500 § 6)

### CONDUCT OF SCHOOLS.

[1342—]1. **Secret fraternities and societies prohibited.**—That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of any secret fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools. ('07 c. 149 § 1)

**Historical.**—"An act to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offence to solicit pupils to join them and prescribing the penalty therefor." Approved April 11, 1907.

Section 5 repeals inconsistent acts.

[1342—]2. **Same—Power of directors—Rules.**—The directors of all such schools shall enforce the provisions of section 1 [1342—1] of this act, and shall have full power and authority to make, adopt and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and enforcing all the provisions of section 1 [1342—1] of this act. ('07 c. 149 § 2)

[1342—]3. **Same—Power to suspend or dismiss, etc.**—The directors of such schools shall have full power and authority, pur-

suant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 1 [1342—1] of this act, or who are guilty of violating any rule, rules or regulations adopted by such directors for the purpose of governing such schools or enforcing section 1 [1342—1] of this act. ('07 c. 149 § 3)

[1342—]4. **Same—"Rushing" or soliciting—Penalty.**—It is hereby made a misdemeanor for any person, not a pupil of such schools to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting, while there, any pupil or pupils of such schools to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offences committed under this section, and all persons found guilty of such offences shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days. ('07 c. 149 § 4)

#### COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC ECONOMY.

[1342—]5. **Appropriation and tax levy—Submission to voters.**—The board of county commissioners of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy, and to levy and spread on the tax roll a sufficient sum to carry into effect the several provisions of this act, but not exceeding the sum of twenty thousand dollars in any one year. The county commissioners of two or more counties may unite in establishing such a school, and may appropriate money for its organization, equipment and maintenance. Provided, that this act shall not apply to any county in this state unless the authority thereof shall be granted to such board of county commissioners by a vote of the electors of such county, which question shall be submitted to such electors at the general or special election, to be held in such county. When submitted at a special election, such special election shall be called and held in the manner provided by law for calling and holding special county elections. The board of county commissioners may, of their own motion, submit such question to the electors of their county, and shall so submit the same whenever a petition is filed with such board, signed by legal voters of such county equal in number to fifteen per cent of the votes cast in such county at the last preceding general election held in such county. The votes cast at any such election shall be counted and canvassed in the manner provided by law for counting and canvassing votes cast at general elections in such county. ('05 c. 314 § 1)

**Historical.**—"An act to provide for the establishment and maintenance of county schools of agriculture and domestic economy." Approved April 19, 1905. Section 1.1 repeals inconsistent acts.

[1342—]6. **County school board, how constituted—Vacancies—Oath—Bond—Organization—Compensation.**—A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise

provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the board of county commissioners for the term of three years from the date of their election, but no member of the board of county commissioners shall be eligible. Vacancies existing in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the board of county commissioners at their next regular or special meeting. Each person appointed or created a member of the county school board shall within ten days after the notice of such appointment take and subscribe an oath, to support the Constitution of the United States and the Constitution of Minnesota, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county auditor. He shall also, within the same time, file a bond in such sum as may be fixed by the board of county commissioners, which bond shall be filed in the office of the county auditor. Within fifteen days after the appointment of said school board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex-officio secretary of said board. The said school board shall prescribe the duties of the several officers, except as fixed by law. The members of such school board shall receive no compensation except their actual expense while going to and from and while attending the meetings of the county school board. ('05 c. 314 § 2)

[1342—]7. **Counties uniting—Board, how organized.**—Whenever two or more counties unite in establishing such a school, the provisions of section 2[1342—6] of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex-officio its secretary, and two members shall also be elected from each county by the board of county commissioners thereof. But no member of the board of county commissioners shall be eligible: ('05 c. 314 § 3)

[1342—]8. **Apportionment of expenses between counties—Tax levy.**—Whenever two or more counties unite in establishing and maintaining such a school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county auditor of each county the apportionment so made on or before the regular July meeting in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school. ('05 c. 314 § 4)

[1342—]9. **Moneys, how expended—Duty of treasurer.**—The county treasurer shall be ex-officio treasurer of said board; and all moneys appropriated and expended under the provisions of this act shall be expended by the county school board, and shall be paid by the county treasurer or treasurers on orders issued by said school board and all moneys received as gifts or otherwise by said school board shall be paid to the county treasurer for the fund of the county school board. ('05 c. 314 § 5)

[1342—]10. **Instruction.**—In all county schools of agriculture and domestic economy organized under the provisions of this act,

instruction shall be given in the elements of agriculture, including instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instruction shall also be given in manual training and domestic economy, and such other subjects as may be prescribed. ('05 c. 314 § 6)

[1342—]11. **Land for experiment, etc.**—Each of such schools shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than ten acres in area; but any donation of land or equipment shall be turned over to said school board for the benefit of such school, and shall thereafter be the property of the county in which such school is located or in case two or more counties having contributed in establishing such schools and maintaining the same then in that case it shall belong to such counties jointly. ('05 c. 314 § 7)

[1342—]12. **Admission of pupils.**—The schools organized under the provisions of this act shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study prescribed, provided they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary. ('05 c. 314 § 8)

[1342—]13. **Duties of state superintendent.**—The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. ('05 c. 314 § 9)

[1342—]14. **State aid—Approved list—Annual report of secretary.**—Whenever any county or counties have either severally or jointly decided to establish, equip and maintain a school as prescribed by this act, and have levied money for that purpose and have appointed a county school board, such school board or boards shall give notice of that fact to the state superintendent, and the first two school boards giving such notice shall have the first chance of obtaining for such school state aid, as herein provided, but on condition that, any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided that he shall not place upon said list more than two schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county school

board or the state superintendent. Upon receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on or before the thirtieth day of the preceding June, the state superintendent shall make a certificate to that effect and file it with the state auditor, and such county shall thereupon be entitled to such an amount of state aid as may be prescribed by law or which may be hereafter appropriated. ('05 c. 314 § 10)

#### DEPARTMENTS OF AGRICULTURE, MANUAL TRAINING AND DOMESTIC ECONOMY IN HIGH, GRADED AND CONSOLIDATED RURAL SCHOOLS.

[1342—]15. **Agricultural department in high, graded or consolidated rural schools.**—Any state high school, graded or consolidated rural school having satisfactory rooms and equipment and having shown itself fitted by location and otherwise to do agricultural work, may, upon application to the state high school board, be designated to maintain an agricultural department. ('09 c. 247 § 1)

**Historical.**—"An act to provide for the establishment and maintenance of departments of agriculture, manual training and domestic economy in state high, graded and consolidated schools, and to authorize rural schools to become associated with such state graded or high schools and making appropriation therefor." Approved April 19, 1909.

[1342—]16. **Instructors and equipment.**—Each of such schools shall employ trained instructors in agriculture, manual training and domestic science (including cooking and sewing) and have connected therewith a tract of land suitable for a school garden and purposes of experiment and demonstration and containing not less than five acres, and located within two miles of said buildings or within the school district. ('09 c. 247 § 2)

[1342—]17. **Instruction free—Course of study.**—Instruction in the industrial department herein provided shall be free to all residents of this state. Where necessary to accommodate a reasonable number of boys and girls able to attend only in the winter months, special classes shall be formed for them. Said department shall offer instruction in soils, crops, fertilizers, drainage, farm machinery, farm building, breeds of live stock, stock judging, animal diseases, and remedies, production, testing and hauling of milk and cream, the manufacture of butter and cheese, the growth of fruit, berries, management of orchards, market garden and vegetable crops, and insects injurious to the various plants, diseases of plants, animal nutrition, including the use of forage crops, cereal grains, fine seeds, bookkeeping, and farm accounts, and all other matters pertaining to general practice. ('09 c. 247 § 3)

[1342—]18. **State aid.**—Each of said schools shall receive state aid equal to two-thirds of the amount actually expended upon such departments and vouched for, but in no case to exceed two thousand five hundred dollars per year. Not more than ten schools shall be aided the first year nor more than ten added to the list every two years thereafter. The special aid provided under this act shall be in lieu of all other aid for industrial training granted by the state to the schools operating hereunder. ('09 c. 247 § 4)

[1342—]19. **Annual appropriations.**—For carrying out the provisions of this act there is hereby appropriated out of the general revenues of the state: For the year ending June 30, 1910, the sum of \$25,000. For the year ending June 30, 1911, the sum of \$25,000. Provided, that no more than one school in any county shall be added to the list of state schools receiving aid under this act in any two years. ('09 c. 247 § 5)

[1342—]20. **Rural schools associated with state high or graded schools.**—For the purpose of extending the teaching of agriculture, home economics and manual training to pupils in rural schools, and for the purpose of extending the influence and supervision of state high or graded schools over rural schools, one or more rural schools may become associated with any state high or graded school maintaining a department of agriculture, whether or not such high or graded school has been designated by the state high school board to receive aid under the provisions of this act. Any such state high or graded school shall for the purpose of this act be known as a central school. ('09 c. 247 § 6)

[1342—]21. **Petition and election.**—To effect this, proceedings shall be had by petition and election on the part of the rural school or schools as now provided by law for the consolidation of school districts, and ballots to vote upon this question shall read: To associate with Dist. No. . . . . for the teaching of agriculture and manual training . . . . . Yes . . . . . No . . . . . The district or districts casting a majority vote upon the approval of such association by a majority of the school board of the central school become so associated and the rural school or schools together with the central school, shall thereafter be known as the associated schools of . . . . . for the teaching of agriculture and manual training. ('09 c. 247 § 7)

[1342—]22. **Board of review—Tax levy.**—The members of the various school boards of the associated schools shall meet on the third Monday in June of each year at the central school building to act as a board of review and to examine into the amount of money expended in each department of work herein provided for and to determine the amount of tax which shall be levied on the associated rural school district or districts for the purpose of maintaining courses of instruction as provided in section 2[1342—16] of this act, and for the purpose of extending such instruction to the pupils of the associated rural schools. Provided, however, that the tax shall not be less than one mill nor more than four mills in the various rural school districts in the association and such tax shall be in addition to other general and special school taxes in such rural districts. The amount of such tax shall be certified by the chairman of the meeting to the county auditor to be by him levied against property in the respective districts and when collected by the county treasurer, such tax shall be paid to the treasurer of the central school who shall furnish the board of review full and detailed statement of all money received and expended. ('09 c. 247 § 8)

[1342—]23. **Members of rural district board associated with central school board.**—The school board of each rural school district associated with a central school under the provisions of this act shall designate one of its members by vote to act with the school board of the central school in carrying out the provisions of this act as to the teaching of agriculture, domestic economy, and manual training in such schools and in all matters pertaining to such instruction, both in the central school and in the associated rural schools, such member shall have equal power with the member of the school board of the central school. ('09 c. 247 § 9)

[1342—]24. **Superintendent.**—The principal or superintendent of the central school shall have and exercise the same authority and supervision over the rural schools as over the central school. He shall prepare for the associated rural schools a suitable course of study embodying training and instruction in agriculture and such subjects as are related to farm life and can be successfully taught in rural schools. ('09 c. 247 § 10)

[1342—]25. **Association, when terminated.**—The relationship and obligations between the associated rural school or schools and the central school may be terminated at any annual school meeting by a majority vote of the associated districts, but not until the central school has had at least one year's notice of the intention to vote on the question. ('09 c. 247 § 11)

### TEACHERS—EXAMINATIONS AND CERTIFICATES.

[1343—]1. **Certificate to be filed.**—No person shall be accounted a qualified teacher in any common school district within the meaning of the school law, until such person has filed for record with the county superintendent of schools of the county where such person intends to teach, a certificate or diploma or certified copy of either authorizing such person to teach school in such county. ('05 c. 137 § 1)

**Historical.**—"An act providing for the recording of teachers' certificates and diplomas by the county superintendent of schools." Approved April 11, 1905.  
By section 3 the act took effect January 1, 1906.

[1343—]2. **Same—Duty of county superintendents—Records.**—County superintendents of schools shall record in their office in a book provided by the board of county commissioners for such purpose, all material facts concerning teachers' certificates and diplomas presented for that purpose and shall certify to the holder of such certificate or diploma that such record has been made. ('05 c. 137 § 2)

1361. **Certificates of graduation from university.**—Certificates of graduation from the state university issued to graduates of the college of education and to those graduates from its college of science, literature and art, (or its college of agriculture) who have taken specified courses in the college of education, shall be valid as first grade professional certificates for two years from their date, and at the expiration of two years of actual successful teaching, such certificates, endorsed by the president of the university and the state superintendent, shall have the force of permanent first grade professional certificates. (R. L. § 1361, as amended by Laws 1909, c. 455, § 1.)

**Historical.**—"An act to amend section 1361 of the Revised Laws of 1905, defining the value of teachers' certificates issued by the State University and diplomas from the State Normal Schools, and to repeal section 1369 of the Revised Laws of 1905, relating to the validity of teachers' certificates issued by the State University." Approved April 23, 1909.

[1361—]1. **Same—Diplomas from normal schools, etc.**—Diplomas issued to graduates of the state normal schools (or of the teachers' course in the department of agriculture of the state university) shall be valid as first grade certificates for two years from their date, and at the expiration of two years of actual, successful teaching, such diplomas, endorsed by the president of the school granting them, and the state superintendent, shall have the force of first grade certificates for life. ('09 c. 455 § 2)

[1361—]2. **Same—Elementary diplomas.**—Elementary diplomas granted by a state normal school upon the completion of such portion of the course of study as may be prescribed therefor by the normal school board, shall be valid as first grade certificates for the period of three years from their date, and shall not be renewable; except that any holder of such an elementary diploma may have the force and effect thereof, as such first grade certificate, extended for a further period of three years, by the completion of an additional one year of work in a Minnesota state normal school, and the certificate of endorsement thereon by the president of such school and the state superintendent; provided, that the provisions of this

section shall not apply to persons now holding Minnesota elementary normal school diplomas, nor to any student heretofore enrolled in a Minnesota state normal school who shall be graduated prior to September 1, 1911. ('09 c. 455 § 3)

**[1361—]3. Same—Certificates from normal schools in certain cases.**—The holders of certificates from the state normal schools, showing the completion of two years of prescribed work in such schools, shall be entitled to have such certificates endorsed by the superintendent of public instruction and thereby given the full force and effect of a second grade certificate. ('09 c. 455 § 4)

**1369.** [Repealed. Laws 1909, c. 455, § 5.]

See note under section 1361.

### HIGH SCHOOL BOARD.

**1391. Duties—Private schools.**—The board shall establish rules, relating to examinations, reports, acceptances of schools, and courses of study, and other proceedings in connection with high and graded schools applying for special state aid, and shall prescribe and enforce the maintenance of an optional English or business course, as equivalent to the preparatory collegiate course; but the school board of any district may substitute any proper studies in place of any studies embraced in such course. Provided, that the privileges of the state high school board examinations shall be extended, under the supervision of the board to the private schools and academies in this state which make application therefor, and the courses of study and requirements for graduation of which correspond in general to that of state high schools, and which said private schools and academies so desiring such privilege shall submit to the same rules and inspection with respect to these examinations as may be provided for state high schools. (R. L. § 1391, as amended by Laws 1909, c. 188, § 1.)

**1396. Assistants.**—He may appoint assistants, not to exceed one for each township, and shall designate the points at which such examinations are to be held, not to exceed one for each township. The assistants shall report the result of the examinations to him, and he shall in like manner report to the board. Such assistants shall be paid by the county at the rate of three dollars per day for the time necessarily occupied in such examinations. (R. L. § 1396, as amended by Laws 1907, c. 341, § 1.)

### PENALTIES.

**[1410—]1. Certain contracts validated.**—In any case, prior to the date of the passage of this act, in which any independent school district in cities and villages having a population between one thousand and five thousand in this state has purchased, received and used necessary supplies and merchandise under a contract made and entered into between April 1st, 1903, and May 1st, 1908, invalid for the reason that the vendor therein was an officer or member of the legislative body of such school district and, as such, disqualified to make such contract, said contract and any payments on account thereof is hereby legalized and said school district may allow and pay such vendor the reasonable value of the supplies and merchandise so purchased, received and used not exceeding contract price therefor without interest, provided, that this act shall not affect any proceeding or action now pending in any court in this state. ('09 c. 255 § 1.)

**Historical.**—“An act to legalize contracts made and entered into between April 1st, 1903, and May 1st, 1908, by school districts with officers and members

of such school district for necessary supplies therefor and any payments on account thereof." Approved April 19, 1909.

[1410—]2. **Same—Affidavit.**—The provisions of this bill shall not apply to any contract unless it shall first be made to appear by the affidavits of the seller and of a majority of the members of the board which purchased the goods, supplies and merchandise, which affidavit shall have first been filed with the clerk of the board or district affected, that the contract was entered into without knowledge of its illegality, and that the goods, supplies and merchandise were such as were necessary to the proper maintenance of the schools and were actually received and used for that purpose, and such contracts shall not bear interest. ('09 c. 255 § 2)

[1411—]1. **Basement rooms for graded schools in certain cities.**—It shall be unlawful for any school board of any public school in any city having a population of twenty thousand or more inhabitants, to maintain or allow any basement room to be used for grade school purposes, except rooms used exclusively for the purpose of teaching domestic science, manual training or physical culture; provided, however, that two basement rooms, during the year 1910, and one basement room, during the years 1911–1912, may be used in any one building. ('09 c. 52 § 1)

**Historical.**—"An act to prohibit any school board of any public school in any city having a population of twenty thousand or more inhabitants, to use basement rooms for grade school purposes and fixing the punishment for the violation thereof." Approved March 12, 1909.

[1411—]2. **Same—Basement room defined.**—For the purpose of this act a basement room shall mean any room, the floor of which is below the surface of the surrounding ground on all sides of said room. ('09 c. 52 § 2)

[1411—]3. **Same—Penalty.**—Any such school director of any public school violating section one [1411—1] of this act shall be guilty of a misdemeanor for each and every offense. ('09 c. 52 § 3)

### SCHOOL TAXES.

1414. **District school tax.**—In common districts such district school tax shall not exceed fifteen mills on the dollar for the support of the schools, or ten mills for the purchase of school sites and the erection and equipment of school houses; but in such districts in which such ten-mill tax will not produce six hundred dollars, a greater tax may be levied for school sites and buildings, not to exceed twenty-five mills on the dollar, nor six hundred dollars in amount. In common districts having less than ten voters the district school tax shall not exceed four hundred dollars. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purchase of school sites and the erection of school houses. In special districts such amounts may be levied as may be allowed by special law at the time when the Revised Laws take effect. (R. L. § 1414, as amended by Laws 1909, c. 458, § 1.)

1415. **Same in certain districts.**—In all districts having fifty thousand inhabitants or more there may be levied, independently of and in addition to other sums for school purposes authorized by law an amount not to exceed 4 mills on the dollar, for the purchase of school sites and the erection, repair, furnishing, and fitting of school buildings, payment of teachers' salaries and the general maintenance of the schools, which amount, to the extent of three and one-half mills only, may be appropriated to general maintenance, and the remainder to one or more of such other uses, provided, that the total levy in any such district for the maintenance of

the schools shall not exceed eight mills on the dollar. (R. L. § 1415, as amended by Laws 1907, c. 308, § 1.)

**[1415—]1. Same in districts having less than 20,000 and not more than 50,000 inhabitants.**—School districts now or hereafter having not less than 20,000 inhabitants, nor more than 50,000 inhabitants, are hereby empowered to annually levy for general school purposes a general school tax not exceeding nine mills on the dollar of the valuation of all taxable property in such school district, according to the last preceding official assessment thereof. ('05 c. 25 § 1)

**Historical.**—"An act relating to public schools in school districts of not less than 20,000 inhabitants, nor more than 50,000 inhabitants, and to provide funds therefor." Approved March 2, 1905. See R. L. 1905, § 5504.

### STATE AID.

#### 1416. Standing appropriations for schools.

See section [1416—]1.

**[1416—]1. Same.**—For the purpose of carrying out the provisions of this act the following sums are hereby appropriated annually, to be paid out of any moneys in the state treasury not otherwise appropriated, viz.: for aid to state high schools, the sum of two hundred and seventeen thousand dollars. For aid to state graded schools, the sum of seventy-nine thousand dollars. For the necessary expenses of the state high school board and the salaries and traveling expenses of the high school and graded school inspectors, in a sum not to exceed nine thousand five hundred dollars, shall be drawn from the annual appropriations herein made for high and graded schools in proportion to the respective amounts appropriated to each, which sum shall become available on the first day of August, one thousand nine hundred and five. For aid to state semi-graded schools, the sum of sixty-seven thousand dollars. For aid to state rural schools, the sum of one hundred thousand dollars, which amounts or so much thereof as shall be necessary, shall be paid on the warrants of the superintendent of public instruction, drawn on the state auditor. Provided, the first annual appropriation herein provided shall become available August first, nineteen hundred and five for the school year ending July thirty-first, nineteen hundred and five. (Laws 1899, c. 352, § 28, as amended by Laws 1901, c. 189, Laws 1903, c. 184, and Laws 1905, c. 296, § 3.)

**Historical.**—Section 20 of Laws 1899, c. 352, as amended by Laws 1901, c. 189, and Laws 1903, c. 184, was amended, as above set forth, by section 3 of Laws 1905, c. 296, "An act to amend section twenty-three of chapter three hundred fifty-two of the General Laws of eighteen hundred and ninety-nine, section twenty-five of chapter three hundred and fifty-two of the General Laws of eighteen hundred and ninety-nine, as amended by chapter one hundred and eighty-nine of the General Laws of nineteen hundred and one and by chapter three hundred and sixty-six of the General Laws of nineteen hundred and three, and section twenty-eight of chapter three hundred and fifty-two of the General Laws of eighteen hundred and ninety-nine as amended by chapter one hundred and eighty-nine of the General Laws of nineteen hundred and one and by chapter one hundred and eighty-four of the General Laws of nineteen hundred and three, relating to state aid for rural schools, and the appropriation of money therefor." Approved April 19, 1905.

Laws 1899, c. 352, and Laws 1901, c. 189, were repealed by R. L. §§ 5543, 5544; the provisions of said amended section 28 being incorporated in section 1416. So far as the amended section above set forth differs from said section 1416, it is to be construed, by virtue of section 5504, as amendatory or supplementary, and its effect appears to be to supersede said section.

See notes under sections 1421, 1422.

**1417. Apportionment.**—The board shall apportion the amount appropriated for such schools equally among the high schools and the graded schools entitled thereto, but no high school shall receive more than seventeen hundred and fifty dollars per year, nor any

graded school more than six hundred dollars per year; nor shall the amount so paid any high school exceed its actual expenditure for such work, exclusive of building and repairs, nor shall any graded school connected with, or in the same district with, an aided high school, share in such apportionment. (R. L. § 1417, as amended by Laws 1909, c. 334, § 1.)

**Historical.**—"An act to amend sections 1417, 1421 and 1423 of the Revised Laws of 1905, relating to state aid of public schools." Approved April 21, 1909. Section 2 repeals inconsistent acts.

**1418.** [Superseded.]

See section next following, and note thereunder.

[1418—]1. **High schools—Limit of aid—Graded schools.**—The high school board shall have full discretionary power to consider and act upon applications of high schools for state aid, and, subject to the provisions of this act, may prescribe the conditions upon which such aid will be granted; and it shall be its duty to accept and aid such high schools only as will, in its opinion, if aided, efficiently perform the services contemplated by law; but not more than nine schools shall be aided in each county in any one year. **Any school accepted and conti(n)uing to comply with the law and regulations of the board made in pursuance thereof shall be aided not less than two years.** In case any state graded school, as hereinafter provided, shall have attained such a degree of proficiency as to entitle it to promotion to a high school, and the state high schools in the county shall have already reached the number of nine, such graded school, in the discretion of the board, may be so promoted, and take the place of the high school in the county first receiving state aid for the period of at least two years; that any state high school so deprived of state aid shall continue under the supervision of the board, with all the privileges, except state aid, of a preparatory school for the University of Minnesota. (Laws 1899, c. 352, § 10, as amended by Laws 1901, c. 19, and Laws 1905, c. 320, § 1.)

**Historical.**—Laws 1899, c. 352, § 10, as amended by Laws 1901, c. 19, was amended, as above set forth, by section 1 of an act entitled "An act to amend chapter 19 of the General Laws of Minnesota for 1901, entitled an act to amend section ten of chapter three hundred fifty-two of the General Laws of Minnesota for the year 1899, entitled: 'An act to encourage a better condition of the public schools and to appropriate money therefor, and repealing chapter one hundred forty-four (144) of the General Laws of 1881' and other acts amendatory thereof." Approved April 19, 1905 (Laws 1905, c. 320).

The acts mentioned in said title were repealed by R. L. §§ 5543, 5544; the provisions of said amended section being incorporated in section 1418. So far as the section above set forth differs from said section 1418, it is to be construed, by virtue of section 5504, as amendatory or supplementary, and its effect appears to be to supersede said section.

[1420—]1. **Additional grant to certain state graded schools.**—The high school board is hereby authorized and directed to make an additional grant of not to exceed five hundred dollars to such graded schools as, in addition to meeting all the requirements of a state graded school, shall maintain a course or courses equivalent to two years of high school work, and shall meet the requirements of the state high school board as to enrollment, valuation and population, and such additional requirements as the board may determine. Such aid shall be paid from the appropriations for high schools and graded schools in as nearly proportionate amounts as may be. ('09 c. 444 § 1)

**Historical.**—"An act authorizing the state high school board to make special grants of aid to state graded schools doing two years of high school work." Approved April 22, 1909.

Section 2 repeals inconsistent acts.

**1421. What common schools may receive aid.**—Districts which have maintained, for not less than eight months in the preceding

school year, a school in charge of a teacher holding at least a first grade state certificate or a second grade state certificate and which have a suitable school building, library, and other apparatus and conveniences, and which are doing sufficient work, may receive state aid for each such year in said district. (R. L. § 1421, as amended by Laws 1909, c. 334, § 1.)

**Historical.**—By virtue of Laws 1909, c. 334, § 2, repealing inconsistent acts, this amended section supersedes Laws 1905, c. 296, § 1. See note under section 1417.

**1423. Apportionment.**—The state superintendent shall annually apportion to such semi-graded and common schools as he shall find entitled to state aid, the amount appropriated for such schools, in equal amounts to all schools of the same class, but no semi-graded school shall receive more than three hundred dollars, nor any common school in charge of a teacher holding a first grade state certificate more than one hundred and fifty dollars, nor any common school in charge of a teacher holding a second grade state certificate more than one hundred dollars, in any apportionment. The state superintendent shall certify to the state auditor a list of districts of each class to which such aid is apportioned, and the amount apportioned to each. Such amount shall be paid in the same manner as state aid to high schools. (R. L. § 1423, as amended by Laws 1909, c. 334, § 1.)

**Historical.**—By virtue of Laws 1909, c. 334, § 2, repealing inconsistent acts, this amended section supersedes Laws 1905, c. 296, § 2. See note under section 1417.

[1423—]1. **Appropriations, how paid.**—The appropriations made by law in aid of high schools, graded schools, semi-graded schools and rural or common schools shall be paid in the following manner: On or before the first day of October in each year, it shall be the duty of the state superintendent of public instruction to deliver to the state auditor a certificate in duplicate for each class of schools in each county of the state entitled to receive the state aid expressly appropriated by law for such purposes. Upon the receipt of such certificate, it shall be the duty of the state auditor to draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the several schools therein enumerated. The state auditor shall transmit such warrant or warrants to the county auditor, together with a copy of the certificate prepared by the superintendent of public instruction. ('05 c. 142 § 1)

**Historical.**—"An act providing for the manner of paying the appropriations made by law in aid of high schools, graded schools, semi-graded schools and rural or common schools." Approved April 11, 1905.  
Section 3 repeals inconsistent acts.

[1423—]2. **Same—Duty of county auditor—School districts.**—Upon receipt by the county auditor of the warrant and the certificate as stated in section one of this act, it shall be his duty to credit the several school districts with the amounts stated in said certificate, then charging the county treasurer with the aggregate amount so received, and forthwith deliver to the county treasurer the said warrant or warrants. The funds so credited to the several school districts shall be paid to the treasurers thereof in the same manner now provided by law for the payment of school funds to school district treasurers. ('05 c. 142 § 2)

[1423—]3. **Aid to consolidated rural schools—Conditions.**—From any moneys hereafter appropriated from the state treasury to carry out the provisions of this act to be distributed to the first fifty consolidated rural schools established, equipped and conducted so as to meet the following named conditions, to-wit:

(a) Said consolidated rural school district shall contain not less than sixteen nor more than thirty-six square miles of territory.

(b) There shall be a continuous tract of ten acres of land secured as the property of the district, upon which there shall be erected a substantial building containing not less than four rooms, including one practice room.

(c) There shall be employed a principal teacher, who is qualified to teach the elements of agriculture as determined by such tests as shall be required by the state superintendent of public instruction, in addition to the requirements for the teacher of a state graded school. There shall also be employed at least one assistant teacher who shall be qualified to teach home economics, as determined by such tests as shall be prescribed by the state superintendent of public instruction, in addition to the requirements for an assistant teacher in a state graded school. Such other assistants shall be employed as are necessary to properly instruct the pupils in the school.

(d) Adequate provisions for conveying the pupils to and from said school shall be provided by said district.

(e) Said lands shall be properly divided into areas for playgrounds, for the planting of trees, crops, and ornamental plants, and shall be so used and managed as to best serve as a means of instructing the pupils of said schools in farming and home making, and shall be under the immediate management of the principal, with such supervision as may be given by the county superintendent of schools and the state superintendent of public instruction.

(f) The said schoolhouse shall be outside of any incorporated village or city. ('07 c. 304 § 1)

**Historical.**—"An act to aid in the establishment of consolidated rural schools, and to appropriate money therefor." Approved April 22, 1907.

[1423—]4. **Same—Certificate by state superintendent.**—No money shall be paid under the provisions of this act until the state superintendent, after due examination, shall certify that the conditions of the act have been fully complied with. ('07 c. 304 § 2)

[1423—]5. **Same—Limit of aid.**—The aid provided by this act shall be granted to not more than one school district in any one county. ('07 c. 304 § 3)

#### SCHOOL LIBRARIES AND TEXT-BOOKS.

1426. **Standing appropriation.**—The sum of ten thousand dollars or so much thereof as may be necessary to carry out the provisions of sections 1424-1425 is hereby annually appropriated; provided that when any appropriation made to carry out the provision of sections 1424-1425 is exhausted no further purchases shall be made. (R. L. § 1426, as amended by Laws 1909, c. 144, § 2.)

Section 1 appropriates \$8,000 for deficiency aid.

#### TRAINING OF TEACHERS.

[1444—]1. **Summer sessions at normal schools.**—That there shall be held at each of the state normal schools in this state a summer session of twelve weeks each, under the direction of the state normal board. These summer sessions shall be a part of and in all respects be the same as the session now provided for by law. The provisions for attendance at these summer sessions shall be the same as those now in force and the arrangements of the terms in the school year shall be such as to most fully serve the welfare of rural schools. Provided, that said normal board may, in its discretion and when the interests of the state may be best subserved thereby,

direct that a shorter session than twelve weeks be held at any of said schools. (Laws 1907, c. 164, § 1, as amended by Laws 1909, c. 112, § 1.)

**Historical.**—"An act to provide for a summer session at the normal schools, and to appropriate money therefor." Approved April 12, 1907 (Laws 1907, c. 164), as amended by Laws 1909, c. 112, approved April 12, 1909.

[1444—]2. **Same—Appropriations.**—There shall be appropriated out of any money in the state treasury not otherwise appropriated, \$30,000, or so much thereof as shall be necessary, to defray the expenses of the sessions provided for in section 1 hereof, the same to become available August 1, 1907; and that the sum of \$30,000 or so much thereof as shall be necessary, shall be appropriated for such sessions to become available August 1, 1908. Provided, that no part of the standing appropriation for the support of institutes and training schools, provided for in section 1435, Revised Laws, 1905, shall be used for the support of the schools provided for in this act, or for the support of any institute or training school held at or in connection with any normal school in this state. ('07 c. 164 § 2)

### COMPULSORY EDUCATION.

1445-1447. [These sections appear to be superseded.]

See sections [1447—]1 to [1447—]4.

[1447—]1. **Children to be sent to school—When excused.**—Every parent, guardian, or other person who resides in any school district, and who has control of any child or children of or between the ages of eight and sixteen years, and in school districts contained in cities of the first class, between the ages of eight and eighteen, shall send such child or children to a public or private school in each year during the entire time the public schools of such district are in session. Provided, however, that such child or children may be excused from such attendance upon a written application to the school board by the parent, guardian or person having control of such child or children for the whole or any part of such period by the school board or board of education of the school district in which such parent, guardian or person having control over such child or children resides, upon its being shown to the satisfaction of such board—

(1) That such parent, guardian or other person having control is not able by reason of poverty to clothe such child properly; or

(2) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(3) That such child has already completed the studies ordinarily required in the eighth grade; or

(4) That there is no public school within reasonable distance of his residence.

A record of such excuses granted shall be spread upon the minutes of the meeting of the board and a copy of the same, duly signed by two members of the board, shall be given to the applicant. ('09 c. 400 § 1)

**Historical.**—"An act relating to the education of children, defining the powers and duties of the clerks, school boards and teachers in certain school districts and of county superintendents of schools and county attorneys in the enforcing of attendance at school, also amending sections 1449 and 1450 of the Revised Laws of 1905, relating to the education of truants and their commitment to the state training school." Approved April 22, 1909.

Section 6 repeals inconsistent acts. See Laws 1905, c. 265.

[1447—]2. **Same—Duty of clerk.**—The clerk of each school district wherein a truant officer is not regularly employed shall, during the month of August in each year, make out in triplicate a complete

list of all children of school age residing in his school district, together with the name and postoffice address of the parent, guardian or person in charge of such child or children, if known. He shall certify to this list, send one copy to the county superintendent of schools on or before the first day of September in each year; one copy shall be retained by the clerk with his records, and one copy, together with a record of excuses granted, if there be any, he shall deliver to the principal teacher of his school during the first month of school in his district and such additional excuses as the board may grant shall be reported to the principal teacher in like manner within five days of the granting thereof. Such clerk shall receive as full compensation for the services required by him of this act three cents for each pupil enumerated in the list prepared by him up to one hundred names, and for any names in excess of one hundred he shall receive two cents per name. Such payment shall be made from the general fund of his district in the same manner as other claims are paid. ('09 c. 400 § 2)

[1447—]3. **Same—Duty of teacher.**—Every teacher, within five days of the receipt of the clerk's list of children of school age and record of excuses granted by the board, shall report to the county superintendent of schools the names of the children who do not attend school and who have not been excused by the board, and he shall make a similar report each succeeding month of school. ('09 c. 400 § 3)

[1447—]4. **Same—Duty of county superintendent—Prosecutions—Penalties.**—The county superintendent of schools shall report all cases of unexcused non-attendance to the county attorney, who shall notify the parent, guardian or person in charge to send such child or children to school, and upon their neglect or refusal for a period of ten days to comply with the notification and to send such child or children to school, the county superintendent shall, upon request of the county attorney, make and file a criminal complaint against such person or persons so neglecting or refusing, in any court in any said county having jurisdiction of the trial of misdemeanors, and upon the making of such complaint a warrant shall be issued and proceedings and trial be had as by law provided in case of misdemeanors; and all prosecutions under this chapter shall be conducted by the county attorney of the county wherein the offense is committed. Any person who shall fail or refuse to send to or keep in school any child or children of whom he has legal charge or control, and who is required by law to attend school, when notified so to do as hereinbefore provided, and any person who induces or attempts to induce any child unlawfully to absent himself from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty dollars or by imprisonment in the county jail for not more than thirty days. Any school district clerk, teacher or county superintendent of schools refusing, failing or neglecting to perform any duty imposed upon him by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not to exceed ten dollars or by imprisonment in the county jail not to exceed ten days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed. ('09 c. 400 § 4)

**1449. Truant schools.**—Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and eighteen years of age:

1. Habitual truants.

2. Those incorrigible, vicious or immoral in conduct.

3. Those who habitually wander about the streets or other public places during school hours, without lawful employment.

All such children shall be deemed disorderly and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine. (R. L. § 1449, as amended by Laws 1909, c. 400, § 5.)

**1450. Commitment to state training school.**—Whenever the board determines that the foregoing provisions have been found inadequate to secure the attendance at school of any such disorderly child, or that he is beyond proper control in the truant or other school to which he has been assigned, it shall direct the truant officer to make complaint to a court or magistrate having jurisdiction over misdemeanors in such district or city. Such court or magistrate shall thereupon issue a warrant for the arrest of such child, and proceed to a hearing on such complaint, and if, upon such hearing, the court or magistrate shall decide that such child is disorderly and beyond the proper control of the schools of the district, and under seventeen years of age, he shall sentence him to the state training school; but, in case of a first conviction, the court, in its discretion, may suspend the sentence. (R. L. § 1450, as amended by Laws 1909, c. 400, § 5.)

#### STATE ART SOCIETY.

**1467. Membership.**—Any person who has rendered notable service in the promotion of the cause of art in this state, may, if elected by the governing board, become an honorary member of said society. Upon recommendation of the governor, or of four honorary members, and the payment of a fee of \$100, any person, if elected by the society, shall be entitled to life membership therein. Upon recommendation of a member of the board, or of an honorary member, and the payment of a fee of \$1, any person, if elected by the society, shall be entitled to annual membership therein. (R. L. § 1467, as amended by Laws 1907, c. 422, § 1.)

Section 2 repeals inconsistent acts.

#### STATE AGRICULTURAL SCHOOL AT MORRIS.

[1469—]1. **Acceptance of Morris Indian school lands.**—The state of Minnesota does hereby accept from the United States the following described property, known as the Indian school at Morris, Minnesota, and more particularly described as follows, to-wit: All those several tracts and parcels of land situate, lying and being in the county of Stevens and state of Minnesota, and described as follows: The northeast quarter of the southwest quarter of the southwest quarter; the northwest quarter of the southwest quarter; the northeast quarter of the northwest quarter of the southwest quarter; the northwest quarter of the southwest quarter of the southwest quarter; the southeast quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west, containing eighty acres. Beginning at the quarter post, being the southwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five north, range forty-one west of the fifth principal meridian; running along the county road (Morris, Minnesota, to Glenwood, Minnesota), or along the established line of the said county road, running from said quarter post north sixty-three degrees and thirty minutes, east one and fifty-six one-hundredths chains; thence north sixty-one degrees, east eight and thirteen one-hundredths chains; thence north eighty-seven degrees and

twenty-five minutes, east seven and seven one-hundredths chains; thence north sixty-nine degrees and thirty minutes, east fourteen and eighty-five one-hundredths chains; thence north seventy-seven degrees, east twenty-seven chains; thence leaving the said county road and running north twenty-five chains to a point on the north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, fifteen chains east of the northeast corner of the northwest quarter of said section thirty-one, township one hundred and twenty-five, range forty-one; thence west along the said north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the northwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five, range forty-one; thence south along the west boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the place of beginning, except twelve and nine-tenths acres of land owned by the Northern Pacific Railroad Company, being used for railroad right of way and special snow fence purposes. Also all that part of the east half of the southwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west of the fifth principal meridian, in Stevens county, Minnesota, lying south of the county road from Morris to Cyrus, Minnesota, containing fifteen acres. And beginning at the northwest corner of the southeast quarter of section thirty-six, township one hundred and twenty-five, range forty-two; thence south eleven and five one-hundredths chains, east three and sixteen one-hundredths chains, south two and fifty-seven one-hundredths chains, to the Cyrus and Morris public road; thence easterly along the north line of said road to a point on the east line of the northwest quarter of the southeast quarter of section thirty-six, seven and twenty-five one-hundredths chains south of the northeast corner of the northwest quarter of the southeast quarter of section thirty-six; thence north seven and twenty-five one-hundredths chains to said northeast corner; thence west to the place of beginning, containing twenty-two and one-half acres. And the south half of the south half of the northwest quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five, range forty-two, containing two and one-half acres. And lot numbered three of county subdivision of unplatted part of east half of section thirty-five, township one hundred and twenty-five, range forty-two, containing eight and seventy-five one-hundredths acres, described as follows: Commencing at a point on the north side of the county road leading from Morris to Cyrus, Minnesota, six hundred and eighty-eight feet from the southeast corner of section thirty-five, township one hundred and twenty-five north, range forty-two west; thence north eight hundred and eighty-seven feet, west four hundred and forty feet, south six hundred and forty-six feet; thence southeast three hundred and ninety-one feet to said county road; thence northeast along said county road two hundred and thirty-two feet to the place of beginning. Aggregating two hundred and ninety acres, with buildings, improvements and other appurtenances thereon. ('09 c. 184 § 1)

**Historical.**—"An act accepting the Indian school at Morris, Minnesota, from the United States for an agricultural school." Approved April 14, 1909.

Section 3 recites that the act of acceptance is passed pursuant to the provisions and conditions of "A bill transferring the Indian school at Morris, Minnesota, to the state of Minnesota for an agricultural school," being Calendar No. 713, S. 7472, 60th Congress, 2d Session of the United States.

Section 4 provides that the state of Minnesota, by the Secretary of State, shall file with the Secretary of the Interior a certified copy of this act prior to July 1, 1909.

[1469—]2. **Same—Agricultural school—Admission of Indians.**—The said lands and buildings described in section 1[1469—1] hereof shall be held and maintained by the state of Minnesota as an agricultural school, and Indian pupils shall at all times be admitted to said school free of charge for tuition and on terms of equality with white pupils. ('09 c. 184 § 2)

### STATE UNIVERSITY.

**1470. Board of regents.**—The government and general educational management of the state university is vested in a board of twelve regents consisting of the governor, the state superintendent, the president of the university, ex-officio, and nine other regents appointed by the governor by and with the advice and consent of the senate. Such board shall be a body corporate under the name of the University of Minnesota. It shall have a common seal and alter the same at pleasure (3904–3905). The appointed members of the board, each to serve until the first Wednesday in March of the year set opposite their names respectively, shall be as follows: James T. Wyman, 1908. S. G. Comstock, 1908. A. E. Rice, 1909. Thomas Wilson, 1909. D. R. Noyes, 1910. E. W. Randall, 1910. Benjamin F. Nelson, 1910. Sidney M. Owen, 1913. William Mayo, 1913. From and after the expiration of the terms of the aforesaid appointed members, no appointed member of the board shall, during the term for which he is appointed, hold any other office, elective or appointive, under the State of Minnesota. (R. L. § 1470, as amended by Laws 1907, c. 105, § 1.)

**Body corporate.**—The Board of Regents are by Const. art. 8, § 4, and by this section, constituted a body corporate under the name of the University of Minnesota. *Gleason v. University of Minnesota*, 104 Minn. 359, 116 N. W. 650.

#### 1473. Duties of board.

By Laws 1907, c. 101, the state assented to the grants of money authorized by an act of Congress entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereon."

By Laws 1907, c. 12, the Regents were authorized to deed one acre of land of the university farm at St. Anthony Park, Ramsey county, to the United States government for the purposes of the weather bureau of the Department of Agriculture.

**Powers and duties.**—The board is by law exclusively vested with the management of all the educational affairs of the institution, and the courts have no jurisdiction to control its discretion; but, if the board refuses to perform any of the duties imposed upon it by law, mandamus will lie to compel it to act. Upon the face of the petition a prima facie case was stated that relator was entitled to registration as a student. *Gleason v. University of Minnesota*, 104 Minn. 359, 116 N. W. 650.

#### 1477. Power to accept bequests, etc.

See note under section [1477—]1.

[1477—]1. **Gift or bequest—How used.**—If the purposes of such gift, grant, devise or bequest are not otherwise limited by the donor the University of Minnesota may use the same or the proceeds thereof for any of the purposes of the university, and may, among other things, construct buildings and acquire land. In case it is desired to use the same for the acquisition of land the power of eminent domain may be exercised either in accordance with sections 4085 to 4091, inclusive, General Statutes 1894, or chapter 41 of the Revised Laws 1905. ('05 c. 187 § 2)

**Historical.**—"An act relating to gifts, grants, (and) devises and bequests to the University of Minnesota and the disposition thereof." Approved April 15, 1907.

Section 1 is identical in language with R. L. § 1477.

[1484—]1. **School of agriculture at Crookston.**—There shall be established at or near the city of Crookston, in the county of Polk, under the direction and educational supervision of the board of regents of the University of Minnesota, a school of agriculture, which shall be a department of the University of Minnesota, under such name and designation as the board of regents may determine, and wherein shall be taught such studies and branches of learning as are related to agriculture and domestic economy. ('05 c. 132 § 1)

**Historical.**—"An act to establish a branch school of agriculture at Crookston, as a department of the University of Minnesota." Approved April 11, 1905.

[1484—]2. **Agricultural extension and home education.**—The board of regents of the university of Minnesota is hereby authorized and directed to establish a division of agricultural extension and home education in the department of agriculture of the university of Minnesota. ('09 c. 440 § 1)

**Historical.**—"An act to create and maintain a division of agricultural extension and home education in the department of agriculture of the University of Minnesota, to provide for the publication and distribution of home education bulletins and appropriating money therefor." Approved April 22, 1909.

[1484—]3. **Same—Purposes of work.**—The purpose and work of said division shall be to devise and prescribe comprehensive elementary courses in the various phases of husbandry; to teach such courses to all persons in the state desiring instruction in them or any of them, in accordance with sections 4[1484—5] and 5[1484—6] of this act, by means of correspondence with them at their homes; by providing local lectures, demonstrations, instructions and any information calculated to elevate agriculture to a higher economic and social plane and make country life more attractive and to publish frequent home education bulletins which shall give in plain and practical form the results of the experiments and investigations of the various divisions of the state experiment station and sub-stations of the university of Minnesota and such other information as may be useful in any farm home. ('09 c. 440 § 2)

[1484—]4. **Same—Officers—Duties.**—That the officers of said division shall be a chief, who shall have general oversight and immediate charge of the work of said division; associates consisting of the chiefs of the divisions of investigation and instruction in the department of agriculture of the university of Minnesota who shall serve in an advisory capacity; an editor who shall edit and prepare for publication such material as the chief of the division may direct, and such other faculty, assistants and clerks as may be needed for the greatest usefulness of said division. ('09 c. 440 § 3)

[1484—]5. **Same—Free instruction.**—That all persons who reside in the state of Minnesota shall have the right to take free of charge any courses of instruction offered in the division of agricultural extension and home education as provided for in section 2 [1484—3] of this act, and shall be subject to such rules and regulations as said division of agricultural extension and home education shall establish under the authority and direction of the board of regents of the university of Minnesota. ('09 c. 440 § 4)

[1484—]6. **Same—Bulletins.**—The home education bulletins authorized by this act shall be sent free to all persons resident within the state who shall request said bulletins to be sent to them. ('09 c. 440 § 5)

[1484—]7. **Same—Appropriation—Rooms.**—The sum of fifty thousand dollars is hereby set aside and appropriated to the university of Minnesota for the purpose of establishing said division of agricultural extension and home education in agriculture and husbandry, and maintaining the same and defraying any expenses

incident to the establishment, maintenance and operation of same, and said division shall be furnished free rooms for their work at and in connection with the department of agriculture of the university of Minnesota at St. Anthony Park, St. Paul, and said sum shall be expended by the board of regents of the university of Minnesota for said purposes during the college years beginning in September of 1909 and 1910. ('09 c. 440 § 6)

[1484—]8. **Same—Farmers' institutes.**—The board of regents shall co-operate, if it seems advisable, with the board of administration of the state farmers' institutes in carrying on the educational work provided for in this act. ('09 c. 440 § 7)

[1484—]9. **Fruit breeding farm.**—There is hereby appropriated out of money in the state treasury not otherwise appropriated, the sum of sixteen thousand dollars, or as much thereof as may be necessary, for the purchase of a fruit breeding farm for the state university by the board of regents of the State University as hereinafter provided. ('07 c. 334 § 1)

**Historical.**—"An act providing a fruit breeding farm for the University of the State of Minnesota." Approved April 23, 1907.

[1484—]10. **Same—Annual appropriation.**—There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, for the care and management of said fruit breeding farm. ('07 c. 334 § 2)

[1484—]11. **Same—Selection of site.**—As soon as may be after the passage of this act, the board of regents of the state university shall select a fruit farm which shall meet with the approval of the executive board of the Minnesota state horticultural society as being well adapted for fruit breeding purposes. ('07 c. 334 § 3)

[1484—]12. **Same—Visitors' committee—Annual report.**—The executive board of the Minnesota state horticultural society is hereby required to appoint a committee of two suitable persons to visit said fruit breeding farm, at least once in each year, to examine the fruit breeding work being done there, and to report on the progress of such work to the Minnesota state horticultural society and board of regents of the state university, together with such recommendations for the future conduct of said farm as may seem to them best. ('07 c. 334 § 4)

[1484—]13. **Grain testing laboratory at agricultural college.**—That there shall be equipped and maintained under the direction and authority of the board of regents of the State University in some suitable building now situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. ('09 c. 199 § 1)

**Historical.**—"An act for the equipment and maintenance of a grain and flour testing laboratory at the College of Agriculture, prescribing the duties thereof and appropriating money therefor." Approved April 17, 1909.

Section 3 makes an appropriation.

[1484—]14. **Same—Tests, how made—Monthly bulletin.**—Such tests shall be made by competent instructors in chemistry who are now or who may be hereafter employed as such instructors at the said college of agriculture, and these tests shall be so made as to be educational in character and the results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. Provided, that all tests asked for and requested by the state railroad and warehouse commission, the grain inspection de-

partment, and the state grain inspection boards (boards of appeals) shall be made free of charge. ('09 c. 199 § 2)

[1484—]15. **Demonstration and experiment forest.**—Whereas, the honorable secretary of the interior of the United States has been duly authorized by act of congress to convey to the state of Minnesota certain lands situate in the Fond du Lac Indian reservation in the county of Carlton in said state, subject to all then outstanding contracts for the sale of timber thereon, upon receipt by said secretary of the interior of the sum of one dollar and twenty-five cents per acre, to him paid by any person or persons on behalf of said state of Minnesota, and

Whereas, congress has removed all restrictions on alienation as to any Indian allottee, or allotment embraced in certain adjoining tracts on said reservation, in order that said allotments might be conveyed to the said state of Minnesota, and

Whereas, said lands by reason of their favorable location, the nature of their soil, and the growth of young timber thereon, are specially adapted for a forest practice ground, demonstration forest and experiment station for the students of the forestry department of the university of Minnesota.

Whereas, certain citizens of Minnesota are desirous of paying said sums of money to said secretary of interior, so that certain said lands may be presented as a free gift to the state of Minnesota, to be used for the purposes for which they are specially adapted, as above recited,

Now, therefore, to the end that said tract may be investigated and accepted by the state of Minnesota, the board of regents of the state university is hereby fully authorized and directed and empowered to examine said tract of land, or to cause the same to be examined in such manner as shall seem to them proper, and if in their judgment said lands shall be found suitable and proper for the purposes hereinbefore recited, and shall be free from private holdings and subject only to said prior rights to cut certain timber therefrom and shall be in a solid body, and amount to not less than two thousand and two hundred acres, the said board of regents is hereby fully authorized and directed to accept said tract of land, for and in behalf and in the name of the state of Minnesota, subject only to said right of cutting certain of said grown timber now thereon, and subject to the further condition that said timber shall be cut at such times and upon such terms and conditions as to said board of regents seems practical and best adapted to promoting the use of said land for forestry purposes. ('09 c. 131 § 1)

**Historical.**—"An act providing for the acquirement by gift or purchase of certain tracts of land in Carlton county, Minnesota, for a demonstration and experiment forest for the University of Minnesota and providing for its care and maintenance and appropriating money therefor." Approved March 31, 1909.

Section 4 makes appropriations for the establishment, care, and maintenance of such forest experiment station and for the purchase of certain Indian allotments.

[1484—]16. **Same—Duty of attorney general.**—The attorney general is hereby directed to assist said board of regents in securing said tract of land whenever requested so to do, and to act for the state in obtaining title whenever it may be desirable to do so. He shall also pass upon the title to all land which may come to the state in this way, and see to it that the state has good and indefeasible title therein. ('09 c. 131 § 2)

[1484—]17. **Same—Duty of regents.**—The board of regents of the state university is hereby directed to manage said university forest as a practice ground, demonstration forest and experiment

station for the students of the forestry department of the university of Minnesota. ('09 c. 131 § 3)

[1484—]18. **Department of pedagogy.**—That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college, or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals and superintendents of schools. ('05 c. 120 § 1)

**Historical.**—"An act to establish and maintain a teachers' college, or department of pedagogy, in the University of Minnesota." Approved April 7, 1905.

[1484—]19. **Elliott Memorial Hospital.**—That the action of said university and its board of regents in accepting said donation of one hundred and thirteen thousand dollars for said Elliott memorial hospital building is hereby approved, ratified and confirmed and the said donation is hereby accepted in behalf of the State of Minnesota. ('07 c. 80 § 1)

**Historical.**—"An act to accept donations for hospital and equipment for the University of Minnesota, and to accept donations to acquire site for the same, and providing for maintaining free clinical hospital facilities for the sick poor of the state of Minnesota at said University." Approved April 2, 1907.

The preamble of said act is as follows:

"Whereas, Walter J. Trask, of Los Angeles, California, has offered to donate to the University of Minnesota one hundred and thirteen thousand dollars to be used in erecting and equipping a building for a clinical hospital for said University, to be known as the Elliott Memorial building of the university hospital, and to be erected in memory of Dr. Adolphus F. Elliott and Mary H. Elliott, his wife; and,

"Whereas, Said University has accepted said donation subject to the approval of the legislature of the State of Minnesota; and,

"Whereas, Certain citizens of Minneapolis have offered to donate to said University the sum of fifty thousand dollars (\$50,000) to procure for said building, and such other buildings as may be necessary, a site near the University: Now, therefore, it is enacted," etc.

[1484—]20. **Same—University clinical hospital—Site, how acquired.**—That the said donation of the sum of fifty thousand dollars, and any further sum or sums which may be donated for the purpose of acquiring a site for a university clinical hospital is hereby accepted by the state, and the board of regents of the university is hereby authorized to acquire such a site by purchase or condemnation near the campus of the state university in the city of Minneapolis, as it may deem most suitable for the purpose and to erect thereon such Elliott Memorial hospital building and other buildings of like character. ('07 c. 80 § 2)

[1484—]21. **Same—Free treatment—Hospital, how managed.**—That said Elliott Memorial hospital building shall belong to and be forever a part of the University of Minnesota. It shall receive for free care and treatment indigent persons suffering from disease who have resided in the State of Minnesota for not less than six months. The said hospital building shall be managed and controlled by the board of regents of the state university, who shall adopt such rules and regulations as it may deem proper and necessary for the admission, discharge, government, care and treatment of such sick poor by the members of the staff of the department of medicine of the said university. ('07 c. 80 § 3)

[1484—]22. **Library—State publications.**—The general library of the University of Minnesota is hereby made a depository of all books, pamphlets, documents, maps and other works published by or under the authority of the State of Minnesota. ('05 c. 278 § 1)

**Historical.**—"An act to make the University of Minnesota a depository of state publications." Approved April 18, 1905.

[1484—]23. **Same—Duty of state officials.**—It shall be the duty of the secretary of state, and of all other officials and boards having the custody or distribution of such publications, to deliver to the said library one copy of each so soon as ready for distribution; and thereafter whenever different works are bound up together, one copy of each bound volume; provided, that the said library shall be entitled to receive 5 copies of the Legislative Manual. The said officers may in their discretion issue to the said library additional copies as requested by the librarian. ('05 c. 278 § 2)

[1484—]24. **Free education for soldiers of Spanish-American war.**—That any person who, being at the time a resident of the State of Minnesota, enlisted in the army or navy of the United States during the late war between the United States for the war against the Kingdom of Spain, and who was honorably discharged therefrom, shall, upon complying with all other requirements for admission, be entitled to pursue any course, or courses in the University of Minnesota without expense for tuition. ('07 c. 158 § 1)

**Historical.**—“An act for the free education at the University of Minnesota of soldiers, residents of Minnesota, who enlisted in the United States army or navy for the war of 1898 between the United States of America and the Kingdom of Spain, and were honorably discharged therefrom.” Approved April 12, 1907.

[1484—]25. **Same—Duty of regents.**—It is hereby made the duty of the board of regents of the University of Minnesota to accept in any college, school or department thereof, any student who comes within the definition of section 1 [1484—24] of this act, without any charge to said student for tuition, and to refund to any student who may come under the provisions of this act, any money which he has paid in as tuition since his discharge. ('07 c. 158 § 2)

#### MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS.

[1484—]26. **Board of control divested of authority—How managed.**—Upon and after August first, nineteen hundred five, the board of control of this state shall be and is hereby divested of all authority, jurisdiction and control over the state university and the state normal schools of the State of Minnesota, except as hereinafter stated. The state university on and after said date shall be under the management, jurisdiction and control of the board of regents of the state university, and the state normal schools on and after said date, shall be under the management, jurisdiction and control of the state normal school board; and the said board or regents and said normal school board shall, on and after said date, have and possess all of the powers, jurisdiction and authority, and shall perform, subject to the restrictions herein contained, all of the duties by them possessed and performed on and prior to April first, nineteen hundred one, except as hereinafter stated. ('05 c. 119 § 1)

**Historical.**—“An act to divest the state board of control of jurisdiction and authority over the state university and the state normal schools of this state, and to provide for the management of the state university by the board of regents and the state normal schools by the normal board.” Approved April 7, 1905.

Section 8 repeals inconsistent acts.  
See section 1862, and note thereunder.

[1484—]27. **University—Purchasing agent—Duties and compensation—Estimates—Disbursements—Bond.**—Upon the date of assumption by the board of regents of the said management and control of the said university, the president of the said board of regents by and with the consent and approval of the members of said board, shall appoint a purchasing agent, whose duties shall be as herein provided for, and whose compensation shall be fixed by

the said board of regents and paid out of the funds provided for the maintenance of said university. The said purchasing agent shall attend to the purchasing of all necessary supplies for the several departments of the state university. Previous to the termination of each quarterly period of the year the dean or other executive head of each of the several departments of the state university shall prepare estimates in detail of all the supplies required for such department for the ensuing quarterly period. Prior to the opening of such quarterly period such estimate shall be submitted by the said dean or other executive head of each of said departments to the executive committee of said board of regents, which estimate so submitted shall be carefully examined and, if necessary, revised by said executive committee. Upon the approval of such estimate by such executive committee the same shall be prepared in triplicate, and one of said estimates shall be retained by the said board of regents, and one thereof shall be delivered to and filed with said purchasing agent, and one thereof shall be delivered and filed with the state auditor of this state. Such estimates, bearing such approval, shall govern and control said purchasing agent in the purchasing of supplies for the several departments of the state university. No disbursements for such purposes shall be made except on the warrant or requisition of said purchasing agent. The said purchasing agent shall give bond in such sum as said board of regents shall require for the faithful and diligent performance of his duties. ('05 c. 119 § 2)

**[1484—]28. Normal schools—Purchasing agent—Duties and compensation—Estimates—Disbursements—Bond.**—Upon the assumption by said state normal school board of the jurisdiction, management and control of the normal schools of this state, said board shall elect from its own members a purchasing agent, whose duties shall be as hereinafter stated, and whose compensation shall be fixed by said board and paid out of funds provided for the maintenance of said normal schools, a pro rata sum being paid by each school. He shall superintend the making of all purchases for said schools. Prior to the termination of each quarterly period the executive head of each school shall prepare and submit to him a detailed statement of the needs of said institution, including an estimate of the necessary supplies and expenditures for the quarterly period next succeeding. Said statement and estimate shall be submitted by him to said normal school board for revision and correction. When approved by said board it shall be prepared in triplicate by such purchasing agent, and one copy thereof shall be retained by said board for the use of such agent, one shall be delivered to the executive head of each normal school and one shall be filed with the state auditor. Such estimates shall govern and control the purchasing of supplies for the respective schools, and the money necessary to be disbursed therefor shall be paid out upon the warrant of said agent as hereinafter stated. Said agent shall at the commencement of each quarterly period set apart for the use of each school as a contingent fund, a sum not exceeding one hundred dollars. In addition thereto the supervision of the purchasing of all necessary supplies for said school, it shall be the duty of such purchasing agent to visit each of said schools at least once during each quarterly period, at which time the estimates for the succeeding quarter as herein provided, and a statement of the needs of said institution shall be submitted to him by the executive head thereof. He shall from time to time make reports to said normal school board of the business affairs of said schools, with such recommendations as he may deem proper. All salaries for resident directors heretofore paid or provided for are hereby discontinued. ('05 c. 119 § 3)

[1484—]29. **Monthly statements—Pay rolls—Duties of state auditor and treasurer.**—Each purchasing agent shall at the close of each month prepare in triplicate statements showing all purchases made by him during said month for the several institutions, the names and addresses of persons from whom said purchases were made and the several prices paid therefor. He shall accompany the same with an affidavit that the statement is correct, that the articles therein specified were duly authorized by the proper board upon prepared statements and estimates, were received under his direction at the institution named therein, that the several prices paid therefor were reasonable, that said goods were of proper and stipulated quality and grade, and that neither he nor any person in his behalf has any pecuniary or other interest in said purchases, or has received or will receive in any way any pecuniary or other benefit therefrom. He shall also each month prepare in triplicate and cause to be receipted by the signatures of the several parties named therein, payrolls showing the monthly salaries and compensation of all officers, teachers and employes in said several institutions, and shall file one copy of said statement and said payroll with the president of the board of regents or president of the normal school board, as the case may be, and two copies with the state auditor. The auditor upon receiving the same shall draw his warrant upon the state treasurer for the amount called for in each expense list and payroll, and transmit the same to the treasurer, attaching thereto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4)

[1484—]30. **Expenses of boards, how authorized and paid.**—No member of the board of regents or of the normal school board, and no person in the employ of either board shall be paid for any expense incurred, unless it shall appear that said expense was duly authorized by the executive committee or the president of the board, and an itemized, verified account of the same, accompanied by sub-vouchers, where said sub-vouchers are practicable, is furnished by the claimant, and filed with the state auditor for his written audit. Such verification shall state that said expense bill is just and correct and for money actually and necessarily paid or to be paid for the purposes therein stated. If said expense is to be incurred in visiting another state, then, before said visit is authorized or undertaken, the said executive committee or president must certify, in writing, the purpose of said visit, the necessity existing for the same, and the maximum expense to be incurred therefor, which certificate must be presented to the governor of the state for his approval. If he does not approve the same, the said visit shall not be undertaken. If the above provisions are complied with, the auditor shall pay such expense account in the same manner as monthly expenses and salaries are paid under the provisions of this act. ('05 c. 119 § 5)

[1484—]31. **Exceeding appropriations—Penalty.**—It shall be unlawful for the board of regents or the normal school board to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law, and any member or agent of either of said boards violating this provision, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or more than one thousand dollars, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment. ('05 c. 119 § 6)

[1484—]32. **Authority of board of control—New buildings.**—The board of control shall have and exercise full authority in all

financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings, the purchasing of fuel and the placing of insurance on buildings and contents. When new buildings are to be erected and constructed by authority of the state, it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the local boards in respect to said plans and specifications, and shall adopt and carry out so far as it deems practicable their requests and desires in the matter. ('05 c. 119 § 7)

## CHAPTER 15.

### RELIEF OF THE POOR.

#### GENERAL PROVISIONS.

##### 1485. Support of poor.

See section [1485—] 1.

##### [1485—] 1. Failure to support—Recovery under town system.—

Whenever any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and in case of non-resident, expenses of removal any such town, city or village furnishing the same may recover in any court of competent jurisdiction from such relation who is resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city or village or not. In the event that said poor person shall have no relative chargeable therewith such town, city or village so expending the same may after like notice recover from any town, city or village within this state, which is charged by law with the support of such poor person, any sum so expended. (Laws 1889, c. 170, § 8, as amended by Laws 1905, c. 327, § 1.)

**Historical.**—"An act to amend section 8 of chapter 170 of the General Laws of Minnesota for the year 1889, entitled 'An act to authorize counties to change their system for caring for the poor,' the same being section 1979 of the General Statutes of Minnesota for the year 1894." Approved April 19, 1905.

Laws 1889, c. 170, was repealed by R. L. § 5538; the provisions of said section 8 being incorporated in section 1485. So far as the amended section above set forth differs from said section 1485, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

##### 1488. Settlement.

**In general.**—Upon a division of a town and the creation of an independent municipality from a part of its territory, the settlement of a self-supporting person is in the municipality in which he happens to dwell at the time of such division; but if a person goes from one part of the town to another part, which is afterwards incorporated as a new municipality, and is there continuously supported from the date of his removal until such division as a pauper by the old town, it thereafter continues liable for his support. *Peterson v. Town of Emardville*, 101 Minn. 24, 111 N. W. 652.

In an action under G. S. 1894, § 7059, for reimbursement for expenses incurred in medical and other attendance upon a poor person, finding that he did not have a legal settlement in defendant county was sustained by the evidence. *Village of Hewitt v. Board of Com'rs Hubbard County*, 103 Minn. 41, 114 N. W. 261.

#### COUNTY SYSTEM.

**1498. Temporary relief.**—If upon inquiry such member be of the opinion that only temporary and limited assistance will be required by such person, or any member of his family, and that it will be