

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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and filed according to the indorsement of the register thereon, and of no other fact.

(6.) SEC. VI. Every such register of deeds shall be entitled to receive the following fees for services, under the provisions of this chapter: For recording any mark or brand, fifteen cents; for giving certificate of the same, fifteen cents; for filing each instrument or copy, five cents; for entering the same in a book, five cents; and the like fees for certified copies of such instrument or copy, as are allowed by law for copies of records kept by registers of deeds.

Fees of register of deeds.

Chattel
1860

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UNIVERSITY OF MINNESOTA.

An Act to provide for the establishment and regulation of the University of Minnesota.

[Chapter 28, Revised Statutes,]
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University of Minnesota established.

(1.) SEC. I. That there shall be established in this territory an institution, under the name and style of the university of Minnesota.

University fund, how used.

(2.) SEC. II. The proceeds of all lands that may hereafter be granted by the United States to the territory for the support of a university, shall be and remain a perpetual fund, to be called the "university fund," the interest of which shall be appropriated to the support of a university; and no sectarian instruction shall be allowed in such university.

Sectarian instruction forbidden.

(3.) SEC. III. The object of the university shall be to provide the inhabitants of this territory with the means of acquiring a thorough knowledge of the various branches of literature, science, and the arts.

Objects of the university.

(4.) SEC. IV. The government of the university shall be vested in a board of twelve regents, who shall be elected by the legislature as hereinafter provided.

Government of the university, how vested.

(5.) SEC. V. The members of the board of regents shall be elected at the present session of the legislature, and shall be divided into classes, numbered one, two, and three; class numbered one shall hold their offices for two years; class numbered two, for four years, and class numbered three, for six years, from the first Monday of February, one thousand eight hundred and fifty-one; biennially thereafter there shall be elected in joint convention of both branches of the legislature, four members to supply the vacancies made by the provisions of this section, and who shall hold their offices for six years respectively.

Board of regents to be elected by the present legislature.

Classification and term of office.

Future elections to be biennial.

Vacancies, how filled.

(6.) SEC. VI. Whenever there shall be a vacancy in the office of regents of the university, from any cause whatever, it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed, shall continue in office until the close of the session of the legislature, then next thereafter, and until others are elected in their stead.

Regents of university to be a body corporate.

(7.) SEC. VII. The regents of the university and their successors in office, shall constitute a body corporate, with the name and style of the "Regents of the University of Minnesota," with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

A secretary, treasurer, and librarian to be elected.

(8.) SEC. VIII. The regents shall appoint a secretary, a treasurer, and a librarian, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all the proceedings of the board, and carefully to preserve all its books and papers; the treasurer shall keep a true and faithful account of all moneys received and paid, out by him, and shall give such bonds for the faithful performance of the duties of his office as the regents may require.

Their duties.

(9.) SEC. IX. The regents shall have power, and it shall be their duty to enact laws for the government of the university; to elect a chancellor, who shall be, ex-officio, president of the board of regents, or when absent, or previous to the election of such chancellor, the board may appoint one of their own number president *pro tem*. They may also appoint the requisite number of professors and tutors, and such other officers as they may deem expedient; also to determine the amount of their respective salaries: *provided*, that the salaries thus determined, shall be submitted to the legislature for their approval or dissent.

Regents to frame a code of laws, elect a chancellor, professors, tutors, and fix salaries, with approbation of legislature.

(10.) SEC. X. The university shall consist of five departments: the department of science, literature, and the arts; the department of law; the department of medicine; the department of the theory and practice of elementary instruction; the department of agriculture. The immediate government of the several departments shall be intrusted to their respective faculties; but the regents shall have power to regulate the course of instruction, and prescribe under the advice of the professorships, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other universities.

Departments of university.

Regents may grant diplomas and confer degrees.

(11.) SEC. XI. The regents shall have power to remove any officer connected with the institution, when in their judgment the interest of the university requires it.

Regents may remove any officer.

(12.) SEC. XII. The admission fee to the university and the charges for tuition in the several departments thereof, shall be regulated and prescribed by the board of regents; and as soon as in their opinion, the income of the university fund will permit, tuition in all of the departments shall be without charge to all students in the same, who are residents of the territory.

Regents to regulate admission fee, &c.

When resident students to have instruction free.

(13.) SEC. XIII. The university of Minnesota shall be located at or near the falls of Saint Anthony; and the regents, as soon as they may deem expedient, shall procure a suitable site for the erection of the university buildings, and they may proceed to the erection of the same as soon as funds may be provided for that purpose, after such plan or plans as may be approved by a majority of said board.

Location of university building.

(14.) SEC. XIV. The regents shall have the power, and it shall be their duty as soon as the requisite funds shall have been secured for that purpose, to establish a preparatory department of said university, and employ teachers for the same, who shall be qualified to give instruction in all the branches of learning usually taught in academies; which preparatory department may be discontinued whenever the regents may think proper, after the other departments of said university shall have been established.

Preparatory department to be established, and when to be discontinued.

(15.) SEC. XV. The regents are authorized to expend such portions of the fund, which by the provisions of this chapter may come under their control, as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a library, and a cabinet of natural history; and the selection, management and control of all lands, which may hereafter be granted by congress for the endowment of said university, is hereby vested in the board of regents.

Regents to disburse funds, and manage and control grant made by congress.

(16.) SEC. XVI. The regents shall make a report annually, to the legislature at its regular session, exhibiting the state and progress of the university in its several departments, the course of study, the number of professors and students, the amount of expenditures, and such other information as they may deem proper, or may from time to time be required of them.

Regents to report annually to the legislature.

(17.) SEC. XVII. Meetings of the board may be called by any seven members thereof, at such time and place as they may deem expedient, and

Meetings of the board.

a majority of the said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Branches of the university may be established.

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

Religious tenets not required.

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

Legislature may repeal this chapter.

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

An Act to authorize the Regents of the Minnesota University to borrow money.

[Passed February 21, 1856.] c. 22

Issue bonds.

(21.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* That the board of regents of the university of Minnesota, are hereby empowered to issue bonds in the name of the said university of Minnesota, and under the corporate seal of said university, signed by the president and attested by the secretary of the said board of regents, and payable at such times and in such manner, as the said board may deem best, to an amount not exceeding the sum of fifteen thousand dollars with interest thereon at a rate not exceeding twelve per cent. per annum of said sum, five thousand dollars to be applied in liquidation of a debt incurred in the purchase of a site for said university, and ten thousand dollars to be expended under the direction of the board of regents in erecting suitable buildings for the same.

Mortgage lands.

(22.) SEC. II. And the said regents are hereby further empowered, in order to secure the payment of said bonds, to make, execute and deliver in the name of the territory of Minnesota, a mortgage or mortgages on any lands now belonging, or which may hereafter belong to the said university, and said mortgage or mortgages, signed by the president of the board of regents, and duly acknowledged by the said president before any person authorized to take acknowledgments of deeds in this territory, and recorded in the office of register of deeds of the county in which said lands so mortgaged are situated, or in the county to which it is attached for judicial purposes, shall be a lien upon the said lands, until all sums owing upon said bonds are fully discharged.

Negotiate bonds.

(23.) SEC. III. And the said regents are further empowered to authorize by majority vote of the whole board any one or more of their number to negotiate the said bonds on such time and terms, and in such places as they may deem best to subserv the purposes contemplated by this act, and receive the money therefor.

Sums received to be used for building.

(24.) SEC. IV. Any or all sums received from the sale of the bonds aforesaid shall be used for no other purpose than to pay the expenses incurred in carrying out the provisions of this act, and for constructing a suitable building or buildings to be used for educational purposes solely, under the requirements of chapter 28 of the revised statutes of the territory of Minnesota.

Take effect.

(25.) SEC. V. This act shall take effect and be in force from and after its passage.

An Act to authorize the Regents of the University of Minnesota to borrow money.

[Passed March 3, 1858.] c. 71

(26.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* Board of regents authorized to issue bonds.
That the board of regents of the university of Minnesota, are hereby empowered to issue bonds in the name of the said university of Minnesota, and under the corporate seal of the said university, signed by the president and attested by the secretary of the said board of regents, and payable at such times and in such manner as the said board may deem best, to an amount not exceeding the sum of forty thousand dollars, with interest thereon, not exceeding twelve per cent. per annum.

(27.) SEC. II. And the said board of regents are hereby further empowered, in order to secure the payment of said bonds, to make, execute and deliver in the name of the state of Minnesota, a mortgage or mortgages, on any lands now belonging, or which may hereafter belong to the said university, and said mortgage or mortgages, signed by the president of the board of regents, and duly acknowledged by the said president before any person authorized to take acknowledgments of deeds, in this state, and recorded in the office of the register of deeds of the county in which said lands are so mortgaged and situated, or in the county to which it is attached for judicial purposes, shall be a lien upon the said lands until all sums owing upon said bonds are fully discharged. Authority to mortgage university lands in the name of state.

(28.) SEC. III. And the said regents are further empowered to authorize by a majority vote, any one or more of their number to negotiate the said bonds on such time and terms, and in such places as they may deem best to subserve the purposes contemplated by this act, and receive the money therefor. Authority to negotiate the bonds.

(29.) SEC. IV. This act shall take effect and be in force from and after its passage.

STATE NORMAL SCHOOLS.

See Chapter 258 of the Laws of Minnesota 1858
An Act to provide for the establishment of State Normal Schools.

[Passed August 2, 1858.] c. 79

(30.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* State normal schools how to be established.
There shall be established within five years after the passage of this act, an institution to educate and prepare teachers for teaching in the common schools of this state, to be called a state normal school. There shall be established within ten years after the passage of this act, a second state normal school, and within fifteen years a third: *provided*, there shall be no obligations to establish the first normal school until the sum of five thousand dollars is donated to the state in money and lands, or in money alone, for the erection of the necessary buildings, and for the support of the professors or teachers in such institution, but when such sum is donated for such purpose, a like sum of five thousand dollars shall be, and hereby is appropriated by the legislature on the order of the proper officers, and shall be paid out of any moneys in the treasury not otherwise appropriated by law, for the use and benefit of such institution.

(31.) SEC. II. Whenever a second sum of five thousand dollars shall have been donated to the state for the establishment of a second state normal school, a like sum of five thousand dollars shall be and hereby is appropriated by the legislature, and shall be, on the order of the proper officers, paid out of any moneys in the treasury not otherwise appropriated by law for the use and benefit of such institution. Appropriations by state upon certain conditions.

(32.) SEC. III. Whenever a third sum of five thousand dollars shall have been donated to the state for the establishment of a third state normal school, a like sum of five thousand dollars shall be and hereby is appropriated by the legislature, and on the order of the proper officers, shall be paid out of any moneys in the treasury not otherwise appropriated by law, for the use and benefit of such institution.

First board of directors to be appointed by governor; their successors.

(33.) SEC. IV. The governor, within thirty days after the passage of this act, shall appoint six electors, one from each judicial district, who shall constitute the state normal board of instruction. Those appointed from the even judicial districts, shall hold their offices for the term of four years, and those appointed from the odd judicial districts shall hold their office for the term of two years. The legislature shall, during its session in one thousand eight hundred and sixty, elect three normal directors to fill the vacancies created by the expiration of the term of office of the three directors appointed from odd districts, and biennially thereafter, the legislature shall elect three directors to fill the vacancies created by this act. The legislature shall also fill from time to time all vacancies that may arise by death, resignation, removal from the state, or otherwise: *provided*, that the normal board shall have power to fill any vacancy occurring during the recess of the legislature till its next meeting.

Organization of the board; its officers.

(34.) SEC. V. The normal board at their first meeting, which shall be held at the capital of the state, shall severally take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Minnesota, and faithfully to execute the trust and discharge the duties of their office. They shall elect one of their number president, who shall continue in office for two years and until his successor is chosen, and they shall appoint some suitable person as treasurer, who shall hold his office for one year, but may be removed at any time at the pleasure of the board. The treasurer, before entering upon the duties of his office, shall give bonds in the penal sum of five thousand dollars, faithfully to execute the trust and discharge the duties of his office. The state superintendent of public instruction shall be *ex officio* a member of the normal board, and shall be secretary of the same.

Division of the state into normal districts.

(35.) SEC. VI. Immediately after the organization of the board, they shall proceed to divide the state into three normal districts, uniting in the formation of the first two contiguous judicial districts, of the second, two, and of the third, two.

Location of the schools.

(36.) SEC. VII. The normal schools provided for in this act shall be located by the normal board, but only one shall be located in any one normal district. In locating any one normal school, the board shall have due regard to healthfulness and beauty of situation, to accessibility and general convenience, to the wants of the common schools, and the wishes of donors who may make munificent donations, conditioned upon a particular location.

Change of location; prohibition.

(37.) SEC. VIII. It shall not be within the province of the legislature or of the normal board to remove any state normal school from its original location, during the period of ten years from its establishment, without the consent of the donor or donors, who made to the state the first donation of five thousand dollars for the foundation of such school.

Erection of buildings and procurement of teachers.

(38.) SEC. IX. The normal board are authorized and empowered to contract for the erection of all buildings connected with the state normal schools, to appoint all professors or teachers in such institutions, to prescribe the course of study and the pre-requisites for admission, and in general to adopt all needful rules for the government of said schools.

Prudential committee; their duties.

(39.) SEC. X. The normal board are authorized annually to appoint for each normal school a prudential committee, consisting of three persons,

one of whom shall be a member of said board. Said prudential committee shall have the general oversight and management of the prudential affairs of the several schools, subject to the order of the board, to whom they shall each make a detailed report of their doings and of the condition and wants of the particular institution committed to their care.

(40.) SEC. XI. There shall be no charge for tuition to persons who may be admitted to the privileges of any state normal school, and who shall sacredly engage to become teachers of the public schools of the state for such times and on such conditions as shall be prescribed by the normal board. Tuition to be free.

(41.) SEC. XII. The board, through the state superintendent, shall make an annual and detailed report of their doings to the governor, who shall transmit the same to the legislature. They shall also report respecting the condition, success and progress of the several normal schools. Annual report to legislature.

(42.) SEC. XIII. The normal directors in any normal district; with the state superintendent shall be the special visitors of the normal school in such district, and they, together, or by one or more of their number, or by some competent person or persons of their appointment, shall visit and examine such school at least two days each session, for ascertaining the mode of instruction and the progress of the pupils, and for promoting the best welfare of such institution and of the common schools of the state. Pay of directors.

(43.) SEC. XIV. This act shall take effect and be in force from and after its passage. Take effect.

STATE DEAF AND DUMB INSTITUTION.

An Act for the location and establishment of the Minnesota State Institution for the Education of the Deaf and Dumb.

[Passed August 11, 1858.] c. 7/

(44.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* There shall be established under the direction and supervision of the board of directors hereinafter specified, an institution for the education of the deaf and dumb, by the name and title of the Minnesota state institution for the education of the deaf and dumb. The said institution shall be located within two miles of the town of Faribault, in the county of Rice: *provided*, said town or county shall donate to the state forty acres of land for the location, use and benefit of said institution, within one year from the passage of this act. Establishment of state institution.

(45.) SEC. II. The board of directors shall consist of six members, two of whom shall be annually elected by the regents of the university of Minnesota, at their annual meeting: *provided*, that at their first meeting after the passage of this act, there shall be elected six directors, two of whom shall be elected for three years, two for two years, and two for one year. Board of directors; term of office.

(46.) SEC. III. Within thirty days after the election of directors, as provided in section three [two] of this act, they shall meet at Faribault, for the purpose of organization and the adoption of measures to execute and carry into effect the provisions of this act, at which meeting they shall severally take an oath or affirmation to support the constitution of the United States, and the state of Minnesota, and to faithfully perform the duties of directors as aforesaid; after which they shall organize by appointing one of their number as president, and another as secretary, and some qualified person as treasurer, who shall execute a bond with security, to be approved by the board, conditioned for the faithful performance of the Organization of the board.

duties of his office, and whose term of office shall be two years, and until his successor is appointed.

Meetings of the board.

(47.) SEC. IV. A majority of said directors shall constitute a quorum for the transaction of business, and after the organization of the board, meetings shall be held at such time and place, as the interest of the institution may require, until buildings are secured for the reception of pupils, after which meetings shall be at the place where such buildings are situated.

Officers of the institution.

(48.) SEC. V. The said directors are vested with power to appoint a superintendent of said institution, who shall be president of the same, and who shall be *ex officio*, a member of the board of directors; also to appoint instructors and such other officers and agents, as may be found necessary in managing the concerns of the institution, to prescribe and regulate the course of study to be pursued; also, to fix the compensation of the president, and all other persons employed by the board; to fix the rate of tuition, room rent and other expenses, and to displace or remove the president and all other persons appointed or employed about the institution, and appoint or employ successors: *provided*, that a vote of two-thirds of all the members of the board shall be necessary to the removal of the president.

Selection of land and erection of buildings.

(49.) SEC. VI. It shall be the duty of said board to select the land herein required on which to erect the buildings and make the improvements necessary to the operations of the institution as early as practicable, and to proceed so soon as funds are provided for that purpose, to erect the said buildings and make such improvements thereon, as the wants of the institution may demand.

Opening of the institution.

(50.) SEC. VII. The said board shall provide at as early a day as practicable for the opening of a school for the education of all the deaf and dumb mutes in the state, of suitable age and capacity, to receive instructions, and also for their board, lodging, washing and comfortable residence for the time being; and the expenses thereof shall be paid out of the funds appropriated for that purpose: *provided*, that the board may require payment for tuition, board and other accommodations, from those who have means of payment, or from their parents or guardians.

Restrictions on board of directors; traveling fees.

(51.) SEC. VIII. No member of the said board shall be interested in any contract made with the board, nor shall any member be employed or appointed in or about any agency or business of the board for which compensation is or may be allowed: *provided*, that members of the board residing out of the county in which the institution is located, shall be allowed and paid their traveling and personal expenses incurred in attending the meetings and necessary business of the board, and the like allowance may be made to any member of the board employed out of the county in which he resides.

Vacancies in board.

(52.) SEC. IX. All vacancies in the board, whether occurring by reason of the expiration of the term of office or otherwise; shall be filled by the remaining members, and each successor shall take the oath or affirmation herein provided.

State appropriation to be made.

(53.) SEC. X. It shall be the duty of the legislature to make such appropriations from time to time as may be necessary, for the erection of buildings and purchase of furniture, all necessary apparatus, library, etc., payment of professors and teachers, and such other necessary expenses to be incurred in the establishment and successful operation of said institution.

Disbursements of the funds.

(54.) SEC. XI. The funds appropriated to the said institution shall be paid upon orders of the board, as required for use, and shall be accounted for to the proper disbursing officers of the state half-yearly, or at such

time as said officers may require, and upon each accounting a full and fair statement shall be made of the expenditures of funds previously received under appropriate heads, accompanied by original vouchers or receipts for the same, and funds raised under each head of appropriations shall be accounted for as aforesaid, before any additional sum shall be paid out of the same appropriation.

(55.) SEC. XII. The accounts of the institution with reference to the ordinary expenses shall be so kept, as to show the kind, quantity and cost of each article purchased. Accounts of institution.

(56.) SEC. XIII. Within ten days preceding the meeting of each regular session of the legislature, the said board shall furnish to the governor a printed report of the action of the board, and an estimation of the institution in all of its departments together with a statement of the receipts and disbursements of funds, and during the first week of the session of the legislature, at least ten copies of said report shall be delivered to each member thereof. The said report shall show: Annual report of board.

1st. The names of the president and directors, secretary and treasurer, and of the president and teachers employed, with the compensation allowed to each;

2d. The names, ages and residences of the pupils, and the dates of their reception into the institution;

3d. The names, ages and residences of deaf mutes ascertained to be in the state, who have not attended the school;

4th. The names and residences of all other persons in the service of the institution, and their business and compensation;

5th. The statement of the accounts of the corporation, showing the amounts of money received and dates thereof, and its disbursements;

6th. Such a report from the president of the institution, as is usually made from such institutions of other states.

(57.) SEC. XIV. The governor, lieutenant governor, and judges of the supreme court, shall be *ex officio* visitors of said institution. Visitors to institution.

(58.) SEC. XV. This act shall take effect and be in force from and after its passage. Take effect.

COMMON SCHOOLS.

An Act for the establishment and maintenance of Common Schools.

[Chapter 29, Revised Statutes.]

(59.) SEC. I. That for the purpose of establishing and maintaining common schools, it shall be the duty of the commissioners of each county, to divide such portion of their county as shall be inhabited into convenient school districts, to define the boundaries, numbers, and file a copy of the same in the office of the clerk of the board of county commissioners, to lay an annual tax of one-fourth of one per cent. on the ad valorem amount of the assessment rolls, made by the county assessors for the same year, and to include the same in their warrant to collector; and the said collector shall proceed to collect the said tax in the same manner the county tax is collected, and the said moneys so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in manner hereinafter prescribed: *provided*, that any school district upon petitioning to the county commissioners, by a majority of the legal voters thereof, may be altered and divided by the said commissioners, so as best to suit the convenience of the people of said district. Duty of commissioners. 1860

(60.) SEC. II. For the better support of common schools and the general diffusion of education, there shall be set apart by the county treasurer Twenty-five per cent. of moneys paid county, &c.,

set apart for school purposes.

urer, twenty-five per cent. of all moneys paid into the county treasury, arising from licenses for the sale of spirituous or other liquors, and the proceeds of all fines for a breach of any penal laws of this territory, not otherwise appropriated by law.

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

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

When clerk is to issue a new notice.

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

Who may be allowed to vote in school district.

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

Powers of electors when assembled.

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

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

Number of months for keeping school to be designated in notice.

8. To designate the number of months a school shall be kept during the year; and when said district is organized as above provided, it shall be to all intents and purposes a body corporate, capable of suing and being

(q) Subdivision 7 is given as amended, and subdivision 8 as added, by the amendments of 1852 to the revised statutes, page 32.

sued, and fully competent to transact all business appertaining to schools and school houses in their own district, according to the provisions of this chapter.

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

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

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

(68.) SEC. X. It shall the duty of the clerk of each school district: Duty of the clerk of school districts.

1. To record the proceedings of his district, in a book to be provided for that purpose by the district.

2. To give notice of annual or special meetings.

3. To procure a list of all persons in the district, between the ages of four and twenty-one years, and furnish a copy of such list, to the board of county commissioners at their annual meeting in January.

4. To pay over to the trustees of his district, or one of them, all moneys when collected, which he shall be required by warrant to collect within the time limited in such warrant for its return; and he shall have the same authority to enforce the collection of such tax, as the county collector. Amendment.

5. (a) To make return to register of deeds of all unpaid district taxes, in the same manner and in all respects, as the county collector is required, in sections 42, 43, and 44 of chapter 12, to make return of unpaid county taxes.

6. To retain a copy of all reports made to the board of county commissioners, relating to the affairs of the district.

(69.) SEC. XI. (b) It shall be the duty of the county commissioners, at their annual meeting of January of each year, to make an apportionment of the school funds in the county treasury among the several school districts in which a school has been taught for three months the preceding year, in their respective counties in proportion to the number of persons in the district over the age of four, and under the age of twenty-one years, and certify the amount due to the trustees of each district; which amount How commissioners to apportion school funds.

(a) Subdivision 5 is given as amended, and subdivison 6 as added, by laws of 1854, page 59.

(b) This section was amended by the amendments of 1852 to the revised statutes, page 32; and is here given as again amended by laws of 1854, page 59.

shall be subject to the draft of said trustees; in favor of any person to whom such moneys may be due, for services as teacher or teachers of said district: *provided*, that if in any district where the number of scholars returned does not exceed twelve, a school has been taught for six weeks the preceding year, or for three months within the two preceding years, such district shall be entitled to receive its proportion of the school fund: *provided also*, that if a new district has been organized during the preceding year, it shall not be necessary that a school should have been taught in it that year, to entitle it to receive its proportion of the school fund.

Duty of the trustees of school district.

(70.) SEC. XII. It shall be the duty of the trustees of every school district:

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

2. To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant, set opposite his name.

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

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

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

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

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

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

Moneys remaining on hand to be paid over to successors.

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

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

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

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

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

assessed by the trustees and collected by the clerk, as hereinbefore provided for the collection of a district tax.

(75.) SEC. XVII. In case the clerk of any such school district, regularly organized agreeably to the provisions of this chapter, refuse or neglect to make a return to the board of county commissioners of a list of the persons in such districts, over the age of four and under the age of twenty-one years, or in case any district which shall have been established under the provisions of this chapter, shall neglect to organize according to law, then and in that case, it shall be lawful for any inhabitant of such district to make out and return under oath to the board of commissioners such list; and the commissioners shall take the same into consideration the same as though the district was regularly organized, and the amount due such district under the apportionment, shall be retained in the hands of the county treasurer until such district shall be legally organized.

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

(76.) SEC. XVIII. (a) The trustees of any two or more school districts may, by a concurrent vote, agree to establish a grammar school for the older and more advanced children of such districts.

Trustees may establish a grammar school.

(77.) SEC. XIX. Every teacher of a common school shall keep a register of all scholars attending school, their ages, names of parents or guardians, the time when such scholar enters and leaves such school, and the branches of study pursued, a copy of which, at the expiration of every three months he shall forward to the superintendent of common schools.

Teacher to keep a register.

(78.) SEC. XX. All acts of the legislative assembly of the territory of Minnesota, connecting common schools with chartered institutions of learning are hereby repealed.

Repeal of acts relating to schools.

*9 Sections repealed 1860
March 1861*

An Act for the Relief of School Districts.

[Passed February 20, 1856.]

c. 24

(79.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* That the trustees of the several districts of said territory are hereby authorized to draw from the treasury of the county in which they are situated, all school moneys due the same respectively, and all moneys to become due, at the time they so become due, in such sums, and at such times as they may deem necessary for defraying the actual expenses needed for holding schools therein, and for necessary repairs of the school-house, to be expended for these purposes and none other: *provided*, that they first retain from such sum so drawn as aforesaid, a sufficient amount of money to pay teachers' wages for the length of time which the district decided at their annual meeting, to have school kept therein during the year.

Trustees may draw money from county treasury.

(80.) SEC. II. It is hereby made the duty of all county treasurers of said territory, to pay over, upon the draft of the trustees of school districts in his county entitled to the same, the amount expressed in said draft, forthwith: *provided*, the same does not exceed the amount due such district at the time the said draft is presented.

Duty of county treasurers.

(81.) SEC. III. This act shall take effect from and after its passage.

Takes effect on passage.

(a) This and the two sections following are added by the amendments of 1852 to the revised statutes, page 33.